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HANSARD'S
PARLIAMENTARY DEBATES,
THIRD SERIES:

COMMENCING WITH THE ACCESSION OF
WILLIAM IV.

35° & 36° VICTORIÆ, 1872.

VOL. CCXI.

COMPRISING THE PERIOD FROM
THE FIRST DAY OF MAY 1872,
TO
THE TWENTIETH DAY OF JUNE 1872.

Third Volume of the Session.

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64
256

TABLE OF CONTENTS

TO

VOLUME CCXI.

THIRD SERIES.

COMMONS, WEDNESDAY, MAY 1.		Page
Women's Disabilities Removal Bill [Bill 20]—		
<i>Moved</i> , "That the Bill be now read a second time,"—(<i>Mr. Jacob Bright</i>)		1
Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months,"—(<i>Mr. Bouvier</i> .)		
After debate, Question put, "That the word 'now' stand part of the Question :"—The House <i>divided</i> ; Ayes 143, Noes 222; Majority 79 :—Words <i>added</i> :—Main Question, as amended, put, and <i>agreed to</i> :—Bill <i>put off</i> for six months.		
Division List, Ayes and Noes	69
ENDOWED SCHOOLS AND HOSPITALS (SCOTLAND) —		
<i>Resolved</i> , That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to issue a Royal Commission to inquire into the nature and amount of all endowments in Scotland, the funds of which are wholly or in part devoted, or have been applied, or which can rightly be made applicable to educational purposes, and which have not been reported on by the Commissioners under the Universities (Scotland) Act, 1858; also to inquire into the administration and management of any Hospitals or Schools supported by such Endowments, and into the system and course of study respectively pursued therein, and to Report whether any and what changes in the administration and use of such Endowments are expedient, by which their usefulness and efficiency may be increased,—(<i>Sir Edward Colebrooke</i> .)		
LORDS, THURSDAY, MAY 2.		
TREATY OF WASHINGTON — TRIBUNAL OF ARBITRATION (GENEVA) — THE INDIRECT CLAIMS—THE CORRESPONDENCE—Observations, Earl Granville, Lord Cairns		
		73
Intoxicating Liquor (Licensing) Bill (No. 78)—		
<i>Moved</i> , "That the Bill be now read 2 ^a ,"—(<i>The Earl of Kimberley</i>)	..	74
After debate, Motion <i>agreed to</i> :—Bill read 2 ^a accordingly, and committed to a Committee of the Whole House on <i>Friday</i> , the 10 th instant.		
COMMONS, THURSDAY, MAY 2.		
THE RUSSIAN WAR—BRITISH GRAVES IN THE CRIMEA—Question, Mr. W. H. Smith; Answer, Viscount Enfield		
		98
INDIA—CONVICTS AT THE ANDAMAN ISLANDS—Question, Mr. Salt; Answer, Mr. Grant Duff		
		99
VOL. CCXI. [THIRD SERIES.] [b]		

TABLE OF CONTENTS.

[May 2.]	<i>Page</i>
METROPOLIS—SUNDAY OBSERVANCE—THE SHEEPSHANKS GALLERY—Question, Sir Charles W. Dilke; Answer, Mr. W. E. Forster ..	99
THE ECCLESIASTICAL COMMISSIONERS—THE FINSBURY ESTATE—Questions, Mr. Carter, Mr. Floyer; Answers, Sir Thomas Acland ..	100
TICHBORNE v. LUSHINGTON—PROSECUTION OF THE “CLAIMANT” FOR PERJURY—Question, Mr. Mellor; Answer, The Chancellor of the Exchequer ..	102
NAVY—THE CHANNEL SQUADRON—Question, Sir Hervey Bruce; Answer, Mr. Goschen ..	102
ARMY OFFICERS—PRESENTATIONS AT COURT—Question, Mr. H. A. Herbert; Answer, Mr. Cardwell ..	103
ARMY—EQUIPMENT OF THE ARMY—Question, Sir John Gray; Answer, Sir Henry Storks ..	103
ARMY—CASHEL BARRACKS—Question, Mr. Stacpoole; Answer, Mr. Cardwell ..	104
TREATY OF WASHINGTON—TRIBUNAL OF ARBITRATION (GENEVA)—THE INDIRECT CLAIMS—THE CORRESPONDENCE—Question, Observations, Mr. Disraeli; Reply, Mr. Gladstone ..	105
PARLIAMENT—WHITSUNTIDE RECESS—Question, Colonel Barttelot; Answer, Mr. Gladstone ..	106
Parliamentary and Municipal Elections Bill [Bill 21] and } Corrupt Practices Bill [Bill 22]—	
<i>Considered in Committee [Progress 29th April] ..</i>	107
PARLIAMENTARY AND MUNICIPAL ELECTIONS BILL—	
First Schedule.	
Amendments made.	
Remaining Schedules and Preamble <i>agreed to</i> .	
Bill <i>reported</i> ; as amended, to be considered upon <i>Thursday</i> next, and to be <i>printed</i> . [Bill 139.]	
Unlawful Assemblies (Ireland) Act Repeal Bill [Bill 72]—	
<i>Moved</i> , “That the Bill be now read a second time,”—(<i>Mr. Patrick Smyth</i>) ..	140
Amendment proposed, to leave out the word “now,” and at the end of the Question to add the words “upon this day six months,”—(<i>The Marquess of Hartington</i> .)	
Question proposed, “That the word ‘now’ stand part of the Question:”—After long debate, Question put:—The House <i>divided</i> ; Ayes 27, Noes 145; Majority 118:—Words <i>added</i> :—Main Question, as amended, put, and <i>agreed to</i> :—Bill <i>put off</i> for six months.	
Pier and Harbour Orders Confirmation Bill— <i>Considered in Committee</i> :—Resolution <i>agreed to</i> , and <i>reported</i> :—Bill ordered (<i>Mr. Arthur Peel, Mr. Chichester Fortescue</i>); presented, and read the first time [Bill 142] ...	169
Gas and Water Orders Confirmation (No. 2) Bill—Ordered (<i>Mr. Arthur Peel, Mr. Chichester Fortescue</i>); presented, and read the first time [Bill 141] ...	169
Ulster Tenant Right Bill—Ordered (<i>Mr. Butt, Mr. Callan, Mr. Patrick Smyth</i>); presented, and read the first time [Bill 144] ...	169
Metropolitan Commons Supplemental Bill—Ordered (<i>Mr. Winterbotham, Mr. Secretary Bruce</i>); presented, and read the first time [Bill 143] ...	170

LORDS, FRIDAY, MAY 3.

TREATY OF WASHINGTON—TRIBUNAL OF ARBITRATION (GENEVA)—THE INDIRECT CLAIMS—CORRESPONDENCE—	
Further correspondence with the Government of Canada in connexion with the appointment of the joint High Commission and the Treaty of Washington (in continuation of papers presented April 1872): <i>Presented</i> (by command), and ordered to lie on the Table.	

TABLE OF CONTENTS.

	<i>Page</i>
[May 3.]	
Church Seats Bill (No. 59)—	
House in Committee (according to Order)	170
Amendments made; the Report thereof to be received on <i>Monday</i> next; and Bill to be <i>printed</i> , as amended. (No. 97.)	
REMOVAL OF NAVAL COLLEGE, PORTSMOUTH—Question, Observations, The Earl of Lauderdale; Reply, The Earl of Camperdown:—Debate thereon	173
EXTRADITION OF CRIMINALS—ADDRESS FOR RETURNS—	
<i>Moved</i> that an humble Address be presented to Her Majesty for, Returns stating the number and nature of all treaties or conventions at present in force with foreign states for the extradition of criminals,—(<i>The Earl of Rosebery</i>)	181
After short debate, Motion <i>agreed to</i> .	
Pacific Islanders Protection Bill (No. 90)—	
<i>Moved</i> , "That the Bill be now read 2 ^a ,"—(<i>The Earl of Kimberley</i>)	184
After short debate, Motion <i>agreed to</i> :—Bill read 2 ^a accordingly, and <i>committed</i> to a Committee of the Whole House on <i>Tuesday</i> next.	
Epping Forest Bill (No. 82)—	
<i>Moved</i> , "That the Bill be now read 2 ^a ,"—(<i>The Duke of St. Albans</i>)	189
After short debate, Motion <i>agreed to</i> :—Bill read 2 ^a accordingly, and <i>committed</i> to a Committee of the Whole House on <i>Tuesday</i> next.	
WHITSUNTIDE RECESS—Question, The Marquess of Salisbury; Answer, Earl Granville	191

COMMONS, FRIDAY, MAY 3.

TREATY OF WASHINGTON — TRIBUNAL OF ARBITRATION (GENEVA)—THE INDIRECT CLAIMS—CORRESPONDENCE—	
Copy <i>presented</i> ,—of Further Correspondence with the Government of Canada [by Command]; to lie upon the Table.	
INDIA—PUBLIC DOCUMENTS AND PAPERS—Question, Mr. Dickinson; Answer, Mr. Grant Duff	192
POST OFFICE (IRELAND)—IRISH POSTMASTERS — Question, Mr. G. Browne; Answer, Mr. Monsell	193
EDUCATION—ENDOWED SCHOOLS COMMISSION—Question, Sir Lawrence Palk; Answer, Mr. W. E. Forster	193
SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—	
THE WELLINGTON MONUMENT—MOTION FOR PAPERS—	
Amendment proposed,	
To leave out from the word "That" to the end of the Question, in order to add the words "there be laid before this House, a Copy of further Correspondence relating to the completion of the Wellington Monument,"—(<i>Mr. Goldsmid</i>),—instead thereof	193
Question proposed, "That the words proposed to be left out stand part of the Question:"—After short debate, Amendment, by leave, <i>withdrawn</i> .	
INDIA—OLD BANK OF BOMBAY—GOVERNMENT LIABILITY — RESOLUTION—	
Amendment proposed,	
To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, the case of the Shareholders of the Bank of Bombay is one for the favourable consideration of Her Majesty's Government,"—(<i>Mr. Gregory</i>),—instead thereof	204
Question proposed, "That the words proposed to be left out stand part of the Question:"—After long debate, Question put:—The House <i>divided</i> ; Ayes 116, Noes 78; Majority 38.	
Main Question proposed, "That Mr. Speaker do now leave the Chair:"—	

TABLE OF CONTENTS.

[May 3.]	<i>Page</i>
SUPPLY—Order for Committee— <i>continued</i> .	
LAW OFFICERS OF THE CROWN—Observations, Mr. Fawcett; Reply, The Attorney General:—Debate thereon	247
Main Question, "That Mr. Speaker do now leave the Chair," put, and <i>agreed to</i> .	
SUPPLY— <i>considered</i> in Committee.	
Committee report Progress; to sit again upon <i>Monday</i> next.	
Tramways Provisional Orders Confirmation (No. 2) Bill— <i>Ordered</i> (Mr. Arthur Peel, Mr. Chichester Fortescue); <i>presented</i> , and read the first time [Bill 147] ...	266
Tramways Provisional Orders Confirmation (No. 3) Bill— <i>Ordered</i> (Mr. Arthur Peel, Mr. Chichester Fortescue); <i>presented</i> , and read the first time [Bill 148] ...	266
LORDS, MONDAY, MAY 6.	
PACIFIC ISLANDERS PROTECTION BILL—MURDER OF BISHOP PATTESON—Explanation, The Earl of Kimberley	267
TREATY OF WASHINGTON—TRIBUNAL OF ARBITRATION (GENEVA)—THE INDIRECT CLAIMS—Observations, Earl Granville; Reply, Earl Russell:—Debate thereon	267
Notice of Motion (<i>Earl Russell</i>) <i>postponed</i> .	
RAILWAYS—TELEGRAPH BLOCK SYSTEM—MOTION FOR A RETURN— <i>Moved</i> , "For Return of Railways in the United Kingdom, showing those which are worked by telegraph block systems,"—(<i>The Lord Buckhurst</i>) Motion <i>agreed to</i> .	274
APPELLATE JURISDICTION—NOMINATION OF SELECT COMMITTEE—After short debate, Committee <i>nominated</i> :—List of the Committee .. And, on Tuesday, the 7th instant, The Viscount Ossington <i>added</i> .	275
COMMONS, MONDAY, MAY 6.	
RAILWAYS—ACCIDENT IN THE BOX TUNNEL—SUPPLY OF LIGHTS—Question, Major Walker; Answer, Mr. Chichester Fortescue	278
WATER SUPPLY (METROPOLIS)—Question, Mr. Kay-Shuttleworth; Answer, Mr. Chichester Fortescue	278
ARMY RE-ORGANIZATION—MILITIA PERMANENT STAFF—Question, Major Tollemache; Answer, Mr. Cardwell	279
RELIGIOUS DISQUALIFICATIONS FOR OFFICES—Question, Sir Colman O'Loghlen; Answer, The Attorney General	280
PENSIONS COMMUTATION ACT—CASE OF LIEUTENANT MARCH—Question, Mr. M'Arthur; Answer, The Chancellor of the Exchequer	283
DOMINION OF CANADA—GUARANTEED LOAN OF £2,500,000—Question, Sir George Jenkinson; Answer, Mr. Gladstone	284
IRELAND—CRIMINAL LAW—IMPRISONMENT OF MR. ROCHE—Question, Mr. Butt; Answer, The Attorney General for Ireland	284
CRIMINAL LAW—BRUTAL ASSAULTS ON WOMEN—Questions, Mr. Montague Guest; Answers, The Attorney General, Mr. Straight	285
CRIMINAL LAW—ASSAULT ON THE LATE MR. MURPHY—Questions, Mr. Newdegate, Mr. Percy Wyndham; Answers, Mr. Bruce	285
IRELAND—EXEMPTION FROM TAXATION—Question, Colonel Taylor; Answer, The Chancellor of the Exchequer	286
AFRICA—ACQUISITION OF DUTCH GUINEA—Question, Sir Charles Wingfield; Answer, Mr. Knatchbull-Hugessen	287
IRELAND—LORD LIEUTENANT OF THE COUNTY OF CLARE—Question, Mr. Collins; Answer, Sir Colman O'Loghlen	287
IRISH CHURCH ACT AMENDMENT BILL—Question, Colonel Taylor; Answer, The Marquess of Hartington	287
RELIGIOUS DISABILITIES ABOLITION BILL—Question, Mr. Newdegate; Answer, Sir Colman O'Loghlen	288

TABLE OF CONTENTS.

[May 6.]	Page
Education (Scotland) Bill [Bill 31]—	
Order for Committee read:— <i>Moved</i> , “That Mr. Speaker do now leave the Chair”	288
Amendment proposed,	
To leave out from the word “That” to the end of the Question, in order to add the words “having regard to the principles and history of the past educational legislation and practice of Scotland, which provided for instruction in the Holy Scriptures in the public schools as an essential part of education, this House, while desirous of passing a measure during the present Session for the improvement of education in Scotland, is of opinion that the Law and practice of Scotland in this respect should be continued by provisions in the Bill now before the House,”—(<i>Mr. Gordon</i>),—instead thereof.	
Question proposed, “That the words proposed to be left out stand part of the Question:”—After long debate, Question put:—The House <i>divided</i> ; Ayes 209, Noes 216; Majority 7:—Words <i>added</i> :—Main Question, as amended, put, and <i>agreed to</i> .	
Committee on the Bill upon <i>Monday</i> next.	
Division List, Ayes and Noes	352
Irish Church Act Amendment Bill (<i>Lords</i>) [Bill 87]—	
Order for Committee read:— <i>Moved</i> , “That the House do now resolve itself into a Committee upon the said Bill,”—(<i>Mr. Attorney General for Ireland</i>)	355
After short debate, Question put, and <i>agreed to</i> :—Bill <i>considered</i> in Committee; Bill <i>reported</i> , without Amendment; to be read the third time <i>To-morrow</i> .	
Ways and Means —Resolution [May 3] <i>reported</i> , and <i>agreed to</i> :—Bill ordered (<i>Mr. Bonham-Carter</i> , <i>Mr. Chancellor of the Exchequer</i> , <i>Mr. Baxter</i>)	
[House counted out]	
LORDS, TUESDAY, MAY 7.	
Prison Ministers Bill (Nos. 72, 91)—	
Amendments <i>reported</i> (according to Order)	360
Further Amendments made:—Bill to be read 3 ^d on <i>Friday</i> next; and to be <i>printed</i> , as amended. (No. 99.)	
Party Processions (Ireland) Act Repeal Bill (No. 87)—	
<i>Moved</i> , “That the Bill be now read 2 ^d ,”—(<i>The Earl of Dufferin</i>)	363
After short debate, Motion <i>agreed to</i> :—Bill read 2 ^d accordingly, and <i>committed</i> to a Committee of the Whole House on <i>Friday</i> next.	
Pacific Islanders Protection Bill (No. 90)—	
Order of the Day for the House to be put into Committee, read	368
After short debate, House in Committee.	
Amendments made; the Report thereof to be received on <i>Friday</i> next; and Bill to be printed, as amended. (No. 100.)	
COMMONS, TUESDAY, MAY 7.	
CONTROVERTED ELECTIONS—	
Mr. Speaker informed the House, that he had received from Chief Justice Monahan, one of the Judges selected, pursuant to the Parliamentary Elections Act, 1868, for the trial of Elections Petitions, Reports relating to the Election for the County of Kerry.	
TREATY OF WASHINGTON—TRIBUNAL OF ARBITRATION (GENEVA)—THE INDIRECT CLAIMS— Observations, Mr. Gladstone	
371	
INDIA—KOOKA INSURRECTION— Question, Mr. Kinnaird; Answer, Mr. Grant Duff	
372	
TIOBHORNE V. LUSHINGTON— PROSECUTION OF THE “CLAIMANT” FOR PERJURY—Question, Mr. Onslow; Answer, The Chancellor of the Exchequer	
372	

TABLE OF CONTENTS.

[May 7.]	<i>Page</i>
ARMY—COMMISSIONS—EXAMINATIONS—Question, Colonel Brise; Answer, Mr. Cardwell	375
INDIA—APPOINTMENT TO THE PERSIAN MISSION—Question, Mr. Eastwick; Answer, Viscount Enfield	375
PARLIAMENT—PUBLIC BUSINESS—ADJOURNMENT FOR THE WHITSUNTIDE RECESS—Question, Colonel Barttelot; Answer, Mr. Gladstone .. .	376
NAVY—STEERING AND SAILING RULES—MOTION FOR A SELECT COMMITTEE— <i>Moved</i> , “That a Select Committee be appointed to inquire whether the present Steering and Sailing Rules cannot be modified so as to reduce the present risk to life and property at sea,”—(<i>Sir John Hay</i>)	377
After short debate, Question put, and <i>negatived</i> .	
ORDNANCE SURVEY (ENGLAND)—RESOLUTION— <i>Moved</i> , “That Her Majesty’s Government be urged, in view of the promised Bill for the Transfer of Land, to give their earliest attention to the completion of the Cadastral Map of England,”—(<i>Mr. Wren Hoskyns</i>)	390
After short debate, Motion, by leave, <i>withdrawn</i>	
MUNICIPAL CORPORATIONS (ELECTION OF ALDERMEN)—RESOLUTION— <i>Moved</i> , “That, in the opinion of this House, the present mode of electing Aldermen in Municipal Boroughs by the vote of the Town Council is unsatisfactory, and fails to secure a fair representation in each Borough on the Aldermanic Bench,”—(<i>Mr. Heygate</i>)	400
After short debate, Motion, by leave, <i>withdrawn</i> .	
IRELAND—LORD LIEUTENANT OF THE COUNTY OF CLARE—RESOLUTION— <i>Moved</i> , “That this House has heard with great regret that a gentleman has been appointed Lord Lieutenant of Clare who has never resided in that county, who is a stranger to its Magistrates, and who does not possess that local knowledge of the county and its residents essential to the proper discharge of the important duties of a Lieutenant of a County, and that this House is of opinion that such an appointment is of evil example, and ought not to have been made,”—(<i>Sir Colman O’Loghlin</i>)	406
After long debate, Question put:—The House <i>divided</i> ; Ayes 41, Noes 257; Majority 216.	
ENDOWED SCHOOLS COMMISSIONERS—RIPON GRAMMAR SCHOOL—MOTION FOR AN ADDRESS— <i>Moved</i> , “That an humble Address be presented to Her Majesty, praying Her Majesty that, in so much as the Scheme of the Endowed Schools Commissioners with reference to the Free Grammar School at Ripon, Yorkshire, would deprive the poor of that city and its neighbourhood of the facilities of obtaining an education, almost free, now possessed by all classes in that city and its neighbourhood, She will therefore be pleased to withhold Her consent from the said Scheme,”—(<i>Mr. Wheelhouse</i>)	444
After short debate, <i>Moved</i> , “That the debate be now adjourned,”—(<i>Mr. Fawcett</i> :)—The House <i>divided</i> ; Ayes 26, Noes 84; Majority 58.	
Original Question put:—The House <i>divided</i> ; Ayes 19, Noes 84; Majority 65.	
Tramways Provisional Orders Confirmation (No. 4) Bill—Ordered (<i>Mr. Arthur Peel, Mr. Chichester Fortescue</i>)	446
Irish Church Act Amendment Bill (<i>Lords</i>) [Bill 87]— <i>Moved</i> , “That the Bill be now read the third time,”—(<i>Mr. Attorney General for Ireland</i>)	446
[House counted out.]	

COMMONS, WEDNESDAY, MAY 8.

PARLIAMENT—ASCENSION DAY—COMMITTEES— <i>Moved</i> , “That no Committees have leave to sit To-morrow, being Ascension Day, until Two of the clock,”—(<i>Mr. Glyn</i>)	447
After short debate, Question put:—The House <i>divided</i> ; Ayes 47, Noes 52; Majority 5.	

TABLE OF CONTENTS.

[May 8.]

Page

Permissive Prohibitory Liquor Bill [Bill 3]—

Moved, "That the Bill be now read a second time,"—(*Sir Wilfrid Lawson*) 448

Amendment proposed, to leave out the word "now" and at the end of the Question to add the words "upon this day six months,"—(*Mr. Wheelhouse*.)

Question proposed, "That the word 'now' stand part of the Question :"

—After long debate, *Moved*, "That the Debate be now adjourned,"—

(*Sir Frederick Heygate* :)—Question put :—The House divided ; Ayes 15, Noes 369 ; Majority 354.

And it being after a quarter of an hour before Six of the clock, the Debate stood adjourned till *To-morrow*.

Imprisonment for Debt Abolition Bill—*Ordered* (*Mr. Bass, Mr. Robert Fowler*) ; presented, and read the first time [Bill 156] ... 498

Criminal Law Amendment Act (1871) Amendment Bill—*Ordered* (*Mr. Vernon Harcourt, Mr. James, Mr. Mundella, Mr. Dixon, Mr. Mally*) ; presented, and read the first time [Bill 157] ... 499

And it being Six of the clock, Mr. Speaker adjourned the House till To-morrow, without putting the Question.

COMMONS, THURSDAY, MAY 9.

SCOTLAND—OFFENCES AGAINST WOMEN AND CHILDREN BILL—Question, Sir David Wedderburn ; Answer, The Lord Advocate .. 499

POOR LAW—BOROUGH PAUPER LUNATICS—Question, Mr. Pemberton ; Answer, Mr. Stansfeld .. 500

AFRICA (WESTERN)—BANK OF WEST AFRICA—Question, Mr. Laird ; Answer, Mr. Knatchbull-Hugessen .. 500

AFRICA (WEST COAST)—THE LAGOS TRADERS—Question, Mr. Laird ; Answer, Mr. Knatchbull-Hugessen .. 501

DOMINION OF CANADA—SALE OF ARMS AND STORES—Questions, Major Arbutnot ; Answers, Sir Henry Storks .. 501

ARMY—FERMOY BARRACKS—Question, Colonel C. H. Lindsay ; Answer, Mr. Cardwell .. 503

CRIMINAL LAW—COSTS OF CRIMINAL PROSECUTIONS—Question, Mr. Waterhouse ; Answer, Mr. Bruce .. 504

COUNCIL OF INDIA—DRAFTS ON INDIAN PRESIDENCIES—Question, Mr. M'Arthur ; Answer, Mr. Grant Duff .. 505

ARMY—THE IRISH MILITIA—Question, Mr. O'Reilly ; Answer, Mr. Cardwell .. 505

PARLIAMENT—ASCENSION DAY—

Moved, "That this House do now adjourn,"—(*Mr. Beresford Hope*) .. 505
After short debate, Motion, by leave, *withdrawn*.

ENDOWED SCHOOLS COMMISSIONERS—EDUCATION OF GIRLS—Question, Mr. Fawcett ; Answer, Mr. W. E. Forster .. 509

Parliamentary and Municipal Elections Bill [Bill 139]—

Bill, as amended, *considered* .. 510

Amendments made :—further Consideration of Bill, as amended, *deferred* till Monday next.

Pier and Harbour Orders Confirmation (No. 2) Bill—*Considered* in Committee :—Resolution agreed to, and reported :—Bill ordered (*Mr. Arthur Peel, Mr. Chichester Fortescue*) ; presented, and read the first time [Bill 158] ... 563

Cattle Diseases (Ireland) Acts Amendment Bill—*Considered* in Committee :—Resolution agreed to, and reported :—Bill ordered (*Mr. William Henry Gladstone, Mr. Baxter, The Marquess of Hartington*) ; presented, and read the first time [Bill 159] ... 563

TABLE OF CONTENTS.

LORDS, FRIDAY, MAY 10.	Page
TREATY OF WASHINGTON—TRIBUNAL OF ARBITRATION (GENEVA)—THE INDIRECT CLAIMS—THE MINISTERIAL STATEMENT—Observations, Earl Granville:— Short debate thereon	564
Intoxicating Liquor (Licensing) Bill (No. 78)—	
House in Committee (according to Order)	565
Amendments made:—The Report thereof to be received on <i>Thursday</i> the 6 th of <i>June</i> next; and Bill to be <i>printed</i> , as amended. (No. 106.)	
Church of England Fire Insurance Bill [H.L.]—Presented (The Lord Egerton); read 1 ^a (No. 102)	599
Petroleum Bill [H.L.]—Presented (The Earl of Morley); read 1 ^a (No. 104) ...	600
COMMONS, FRIDAY, MAY 10.	
INDIA—RECRUITING OF COOLIES—Question, Sir Charles Wingfield; Answer, Mr. Grant Duff	600
INDIA — INCOME TAX, PRESIDENCY OF BOMBAY — Question, Sir David Wedderburn; Answer, Mr. Grant Duff	600
POST OFFICE SAVINGS BANKS' CLERKS—BANK HOLIDAYS ACT—Question, Mr. J. G. Talbot; Answer, Mr. Monsell	601
BRITISH CONSULATE ESTABLISHMENTS—Questions, Mr. Rylands; Answers, Viscount Enfield	602
INDIA—EDUCATIONAL SERVICE—RETIRING PENSIONS—Question, Sir Stafford Northcote; Answer, Mr. Grant Duff	602
DOMINION OF CANADA—TREATY OF WASHINGTON—GUARANTEED CANADIAN LOAN OF £2,500,000—Question, Mr. Baillie Cochrane; Answer, Mr. Knatchbull-Hugessen	603
ARMY — RETIREMENT OF INDIAN FIELD OFFICERS — Question, Colonel Barttelot; Answer, Mr. Grant Duff	604
ROYAL MINT—SILVER COINAGE—Question, Mr. Barnett; Answer, The Chancellor of the Exchequer	604
SPAIN—CUBA—SEIZURE AND DETENTION OF THE "LARK"—Questions, Mr. Serjeant Simon, Sir John Pakington; Answers, Mr. Speaker, Mr. Knatchbull-Hugessen	605
TREATY OF WASHINGTON — TRIBUNAL OF ARBITRATION (GENEVA)—THE INDIRECT CLAIMS — CORRESPONDENCE — Questions, Mr. Otway, Mr. Bouverie; Answers, Mr. Gladstone	607
SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—	
CRIMINAL LAW—REFORMATORY AND INDUSTRIAL SCHOOLS—RESOLUTIONS— Amendment proposed, To leave out from the word "That" to the end of the Question, in order to add the words "all Schools for poor children, aided by public money, should be under one general Education Department; and that Industrial Schools should not be treated as penal institutions, but that children of tender age, whether merely vagrants or convicted of minor offences, should, after any due correction, be sent to such Schools for the rest of their childhood, as to educational establishments where they may be trained to industry,"—(Sir Charles Adderley),—instead thereof	608
Question proposed, "That the words proposed to be left out stand part of the Question:"—After long debate, Question put, and <i>agreed to</i> .	
Question again proposed, "That Mr. Speaker do now leave the Chair:"—	
BOROUGH REPRESENTATION (IRELAND)—RESOLUTION (<i>Mr. Delahanty</i>) [House counted out]	631

LORDS, SATURDAY, MAY 11.

Their Lordships met;—and having gone through the Business on the
Paper, without debate—[House adjourned]

TABLE OF CONTENTS.

LORDS, MONDAY, MAY 13.		Page
TREATY OF WASHINGTON—TRIBUNAL OF ARBITRATION (GENEVA)—THE INDIRECT CLAIMS—Ministerial Statement, Earl Granville :—Debate thereon		632
THE WHITSUNTIDE RECESS—ADJOURNMENT OF THE HOUSE—Observations, Earl Granville; Reply, Earl Russell		648
Statute Law Revision Bill [H.L.]— <i>Presented</i> (The Lord Chancellor); read 1 ^a (No. 107)		648
Prisons (Ireland) Bill [H.L.]— <i>Presented</i> (The Marquess of Lansdowne); read 1 ^a (No. 108)		649
Juries Act Amendment (Ireland) Bill [H.L.]— <i>Presented</i> (The Lord O'Hagan); read 1 ^a (No. 109)		649

COMMONS, MONDAY, MAY 13.

POOR LAW (SCOTLAND)—FEMALE INSPECTORS—Question, Mr. M'Laren; Answer, The Lord Advocate	649
IMPORTATION OF SHEEP AND CATTLE—ORDER IN COUNCIL, 1871—Question, Mr. J. B. Smith; Answer, Mr. W. E. Forster	650
CRIMINAL LAW—BROADMOOR ASYLUM—MAINTENANCE OF CRIMINAL LUNATICS —Question, Mr. White; Answer, Mr. Bruce	651
INLAND REVENUE—INCOME TAX ON SHOOTINGS—Question, Mr. Muntz; Answer, The Chancellor of the Exchequer	652
TREATY OF WASHINGTON—DOMINION OF CANADA—Question, Mr. Baillie Cochrane; Answer, Mr. Knatchbull-Hugessen	652
METROPOLITAN POLICE—STRIKE OF SEAMEN AT SOUTHAMPTON—Question, Mr. Harvey Lewis; Answer, Mr. Bruce	653
EAST AFRICAN SLAVE TRADE—Question, Mr. Gilpin; Answer, Viscount Enfield	653
TREATY OF WASHINGTON—TRIBUNAL OF ARBITRATION (GENEVA)—THE INDIRECT CLAIMS—Ministerial Statement, Mr. Gladstone :—Short debate thereon	654

Parliamentary and Municipal Elections Bill [Bill 139]— Further Proceeding on Consideration of Bill, as amended, <i>resumed</i> Further Amendments made; Bill to be read the third time upon <i>Thurs-</i> <i>day</i> 30th May, and to be <i>printed</i> . [Bill 160.]	665
---	-----

Court of Chancery (Funds) (re-committed) Bill [Bill 43]— Order for Committee read :— <i>Moved</i> , "That Mr. Speaker do now leave the Chair,"—(<i>Mr. Baxter</i>) Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "the Bill be committed to a Select Committee,"—(<i>Sir Richard Baggallay</i>),—instead thereof. Question proposed, "That the words proposed to be left out stand part of the Question :"—After short debate, Question put, and <i>agreed to</i> :— Main Question, "That Mr. Speaker do now leave the Chair," put, and <i>agreed to</i> :—Bill <i>considered</i> in Committee. After short time spent therein, Committee report Progress; to sit again upon <i>Thursday</i> 30th May.	681
---	-----

Irish Church Act Amendment Bill (<i>Lords</i>) [Bill 87]— <i>Moved</i> , "That the Bill be now read the third time,"—(<i>Mr. Attorney</i> <i>General for Ireland</i>) Amendment proposed, to leave out from the words "Bill be" to the end of the Question, in order to add the word "re-committed,"—(<i>Mr.</i> <i>Newdegate</i>),—instead thereof. Question proposed, "That the words proposed to be left out stand part of the Question :"—After short debate, Question put :—The House <i>divided</i> ; Ayes 86, Noes 35; Majority 51. Main Question put, and <i>agreed to</i> :—Bill read the third time, and <i>passed</i> .	697
--	-----

TABLE OF CONTENTS.

[May 13.]	Page
Juries Bill [Bill 111]—	
<i>Moved</i> , "That the Bill be now read a second time,"—(<i>Mr. Attorney General</i>)	701
After short debate, <i>Moved</i> , "That the Debate be now adjourned,"—(<i>Mr. Holt</i>),—put, and <i>negatived</i> .	
Main Question put, and <i>agreed to</i> :—Bill read a second time, and <i>committed</i> to a Select Committee.	
Colonial Governors [Pensions] Bill —Resolution [May 9] <i>reported</i> , and <i>agreed to</i> :—Bill <i>ordered</i> (<i>Mr. Bonham-Carter, Mr. Knatchbull-Hugessen, Mr. Baxter</i>)	704
Public Health (Scotland) Supplemental Bill — <i>Ordered</i> (<i>The Lord Advocate, Mr. Adam</i>); <i>presented</i> , and read the first time [Bill 162]	704
Local Government Supplemental (No. 2) and Act (No. 2, 1864) Amendment Bill — <i>Ordered</i> (<i>Mr. Hibbert, Mr. Stansfeld</i>); <i>presented</i> , and read the first time [Bill 163]	704
Limited Owners Residence Law Amendment Bill — <i>Ordered</i> (<i>Sir Hervey Bruce, Sir Colman O'Loughlen, Sir Frederick Heygate, Mr. MacEvoy</i>); <i>presented</i> , and read the first time [Bill 165]	704
Clerks of the Peace and Justices Clerks' Salaries and Fees Bill — <i>Ordered</i> (<i>Mr. Winterbotham, Mr. Secretary Bruce</i>); <i>presented</i> , and read the first time [Bill 164]	704
Elementary Education Act (1870) Amendment Bill — <i>Ordered</i> (<i>Mr. Charles Reed, Mr. William Henry Smith, Mr. Morley, Viscount Mahon</i>); <i>presented</i> , and read the first time [Bill 168]	705
Union Officers (Ireland) Superannuation Bill — <i>Ordered</i> (<i>The Marquess of Hartington, Mr. Attorney General for Ireland</i>); <i>presented</i> , and read the first time [Bill 166]	705
Charitable Loan Societies (Ireland) Bill — <i>Ordered</i> (<i>The Marquess of Hartington, Mr. Attorney General for Ireland</i>); <i>presented</i> , and read the first time [Bill 167]	705

COMMONS, MONDAY, MAY 27.

CANADA (TREATY OF WASHINGTON) — TRIBUNAL OF ARBITRATION (GENEVA)	
—THE INDIRECT CLAIMS—CORRESPONDENCE—	
Copy <i>presented</i> ,—of further Correspondence relative thereto [by Command]; to lie upon the Table.	
Copy <i>presented</i> ,—of Correspondence respecting Claims for Indirect Losses put forward in the case presented by the United States Government to the Tribunal of Arbitration at Geneva [by Command]; to lie upon the Table.—North America (No. 7, 1872).	
MR. EYRE, LATE GOVERNOR OF JAMAICA—PAYMENT OF LEGAL EXPENSES—	
Questions, Mr. Bowring, Colonel North; Answers, Mr. Gladstone	706
POST OFFICE—TELEGRAPHS—SUNDAY LABOUR—Question, Dr. Brewer	
Answer, Mr. Monsell	707
NAVY—GREENWICH PENSIONS—MERCHANT SEAMEN—Question, Lord Claud John Hamilton; Answer, Mr. Goschen	707
POST OFFICE—THE POSTMASTER AT THIS HOUSE—Question, Mr. G. Bentinck;	
Answer, Mr. Monsell	708
THE FENIAN CONVICTS—REPORTED AMNESTY—Question, Sir George Jenkinson; Answer, Mr. Gladstone	708
SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—	
TREATY OF WASHINGTON — TRIBUNAL OF ARBITRATION (GENEVA)—THE INDIRECT CLAIMS—STATEMENT OF SIR STAFFORD NORTHCOTE AT EXETER	
—Questions, Mr. Bouverie; Answers, Sir Stafford Northcote	708
TREATY OF WASHINGTON — TRIBUNAL OF ARBITRATION (GENEVA)—THE INDIRECT CLAIMS — THE SUPPLEMENTAL ARTICLE—Observations, Mr. Disraeli; Reply, Mr. Gladstone	710

TABLE OF CONTENTS.

	<i>Page</i>
[<i>May 27.</i>]	
SUPPLY—considered in Committee—NAVY ESTIMATES.	
(In the Committee.)	
(1.) £174,500, Coastguard, Royal Naval Coast Volunteers and Reserves.—After short debate, <i>Vote agreed to</i> ...	719
(2.) Motion made, and Question proposed, “That a sum, not exceeding £978,983, be granted to Her Majesty, to defray the Expense of the Dockyards and Naval Yards at Home and Abroad, which will come in course of payment during the year ending on the 31st day of March 1873” ...	721
Motion made, and Question proposed, “That sum, not exceeding £878,983, &c,”—(<i>Mr. Rylands.</i>)—After long debate, Motion, by leave, <i>withdrawn</i> :—Original Question put, and <i>agreed to.</i>	
(3.) £88,344, Victualling Yards.—After short debate, <i>Vote agreed to</i> ...	770
(4.) £59,926, Medical Establishments.—After short debate, <i>Vote agreed to</i> ...	772
(5.) £18,728, Marine Divisions.	
Motion made, and Question proposed, “That a sum, not exceeding £928,510, be granted to Her Majesty, to defray the Expense of Naval Stores for Building, Repairing, and Outfitting the Fleet and Coast Guard, which will come in course of payment during the year ending on the 31st day of March 1873.”—Motion, by leave, <i>withdrawn.</i>	
Motion made, and Question proposed, “That a sum, not exceeding £816,626, be granted to Her Majesty, to defray the Expense of Half Pay, Reserved, and Retired Pay to Officers of the Navy and Royal Marines, which will come in course of payment during the year ending on the 31st day of March 1873.”	
Motion made, and Question proposed, “That the Chairman do report Progress, and ask leave to sit again,”—(<i>Sir James Elphinstone.</i>)—After short debate, Question put, and <i>negatived.</i>	
Original Question again proposed.—Motion, by leave, <i>withdrawn.</i>	
(6.) £638,311, Military Pensions and Allowances.—After short debate, <i>Vote agreed to</i>	773
(7.) £309,186, Civil Pensions.	
(8.) £156,700, Freight of Ships (Army Department.)	
Resolutions to be reported <i>To-morrow</i> ; Committee to sit again upon <i>Wednesday.</i>	
Municipal Corporations (Wards) Bill [Bill 102]—	
Order read, for resuming Adjourned Debate on Question [22nd April], “That the Bill be now taken into Consideration:”—Question again proposed:—Debate <i>resumed</i> ...	775
Amendment proposed, to leave out the word “now,” and at the end of the Question to add the words “upon this day six months,”—(<i>Mr. James Lowther.</i>)—instead thereof.	
After short debate, Question put, “That the word ‘now’ stand part of the Question:”—The House <i>divided</i> ; Ayes 78, Noes 38; Majority 40:—Main Question put, and <i>agreed to</i> :—Bill <i>considered.</i>	
Bill to be read the third time <i>To-morrow.</i>	
Oyster and Mussel Fisheries Supplemental (No. 2) Bill—Ordered (<i>Mr. Arthur Peel, Mr. Chichester Fortescue</i>); <i>presented</i> , and read the first time [Bill 172] ...	780
Pier and Harbour Orders Confirmation (No. 3) Bill—Considered in Committee:—	
Resolution <i>agreed to</i> , and <i>reported</i> :—Bill <i>ordered</i> (<i>Mr. Arthur Peel, Mr. Chichester Fortescue</i>); <i>presented</i> , and read the first time [Bill 171] ...	780
Pawnbrokers Bill—Considered in Committee:—Resolution agreed to, and reported:—	
Bill <i>ordered</i> (<i>Mr. Whitwell, Mr. Charles Mills, Mr. Morley, Mr. Plimsoll</i>); <i>presented</i> , and read the first time [Bill 173] ...	780
Elementary Education (Provisional Order Confirmation) Bill—Ordered (<i>Mr. William Edward Forster, Mr. Winterbotham</i>); <i>presented</i> , and read the first time [Bill 175] ...	781
County Officers (Ireland) Bill—Ordered (<i>The Marquess of Hartington, Mr. Attorney General for Ireland</i>); <i>presented</i> , and read the first time [Bill 174] ..	781
Pier and Harbour Orders Confirmation (No. 2) Bill—	
Order for Committee upon Thursday next, read, and <i>discharged.</i>	
Bill, so far as it relates to Aldborough, committed to a Select Committee, to be appointed by the Committee of Selection as in the case of a Private Bill.	
<i>Ordered</i> , That all Petitions presented during the present Session against the Bill be referred to the Committee; and such of the Petitioners as pray to be heard by themselves, their Counsel or agents, be heard upon their Petitions, if they think fit, and Counsel heard in favour of the Bill against the said Petitions,—(<i>Mr. Arthur Peel.</i>)	

TABLE OF CONTENTS.

COMMONS, TUESDAY, MAY 28.		Page
NAVY—CHATHAM DOCKYARD—RAILWAY CONNECTION—Question, Mr. Holms; Answer, Mr. Goschen		781
ARMY RE-ORGANIZATION—COUNTY MILITARY DEPÔT CENTRES—Question, Mr. Gourley; Answer, Mr. Cardwell		782
FRANCE—DEPORTATION OF POLITICAL PRISONERS—CORRESPONDENCE—Ques- tion, Mr. Mundella; Answer, Viscount Enfield		783
TREATY OF WASHINGTON—TRIBUNAL OF ARBITRATION (GENEVA)—THE INDIRECT CLAIMS—THE SUPPLEMENTAL ARTICLE—Observations, Ques- tions, Mr. Disraeli, Mr. Bouverie; Reply, Mr. Gladstone		783
POLYNESIAN ISLANDERS—Question, Mr. Eastwick; Answer, Mr. Knatchbull- Hugessen		788
ARMY—TORPEDOES—CAPTAIN HARVEY—Question, Captain Dawson-Damer; Answer, The Chancellor of the Exchequer		788
PARLIAMENT—THE DERBY DAY—ADJOURNMENT OF THE HOUSE— <i>Moved</i> , "That this House will, at the rising of the House this day, adjourn till Thursday next,"—(<i>Mr. Gladstone</i>)		789
After short debate, Question put:—The House <i>divided</i> ; Ayes 212, Noes 58; Majority 154.		
ARMY—AUTUMN MANŒUVRES—RESOLUTION— <i>Moved</i> , "That, in the opinion of this House, the selection of the period of harvest for the contemplated Autumn Manœuvres will interfere with the processes of agriculture, affect injuriously the interests of the cultivators of the soil, and inflict grave pecuniary hard- ship on the labourers in the rural districts,"—(<i>Mr. Dimsdale</i>)		795
After short debate, Motion, by leave, <i>withdrawn</i> .		
SOUTH AFRICA—RESOLUTION— <i>Moved</i> , "That, in the opinion of this House, it is desirable that facilities should be afforded, by all methods which may be practicable, for the confederation of the Colonies and States of South Africa,"—(<i>Mr. Robert Fowler</i>)		806
After short debate, Motion <i>agreed to</i> .		
METROPOLIS—QUEEN SQUARE, WESTMINSTER, AND ST. JAMES'S STREET— RESOLUTION (<i>Mr. Cavendish Bentinck</i>)		815
	[House counted out]	
COMMONS, THURSDAY, MAY 30.		
<i>All Saints Church, Cardiff, Bill [Lords] (by Order)—</i> <i>Moved</i> , "That the Bill be now read a second time"		818
Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months,"—(<i>Mr.</i> <i>Dilke</i> .)		
After short debate, Question put, "That the word 'now' stand part of the Question:—"The House <i>divided</i> ; Ayes 153, Noes 172; Majo- rity 19:—Main Question, as amended, put, and <i>agreed to</i> :—Bill <i>put off</i> for three months.		
ARMY—VOLUNTEERS—CAPITATION GRANT—Question, Colonel C. Lindsay; Answer, Mr. Cardwell		829
FRANCE—DEPORTATION OF POLITICAL PRISONERS—Observations, Question, Mr. Otway; Reply, Mr. Gladstone		829
POST OFFICE—MAILS TO THE SOUTH OF IRELAND—Question, Mr. Delahunty; Answer, Mr. Monsell		831
ARMY—WINDSOR CAVALRY BARRACKS—SURGEON MAJOR LOGIE—Question, Lord Garlies; Answer, Mr. Cardwell		833
TURNPIKE ACTS CONTINUANCE—Question, Lord George Hamilton; Answer, Mr. Bruce		834
LAW REFORM—THE JUDICATURE COMMISSION—Question, Mr. Watkin Williams; Answer, The Attorney General		835

TABLE OF CONTENTS.

[May 30.]	<i>Page</i>
ARMY—SICKNESS AT CASHEL BARRACKS—Question, Mr. Stacpoole; Answer, Mr. Cardwell	835
NAVY—RULE OF THE ROAD AT SEA—STEERING AND SAILING RULES—Question, Sir John Hay; Answer, Mr. Chichester Fortescue	836
RATING—EXEMPTIONS OF GOVERNMENT PROPERTY—Question, Dr. Brewer; Answer, Mr. Stansfeld	836
IRELAND—THE ARRAN ISLANDS—LIGHTHOUSE ON STRAW ISLAND—Question, Mr. Mitchell Henry; Answer, Mr. Chichester Fortescue	837
POOR LAW (IRELAND)—UNION RATING—Question, Mr. M'Mahon; Answer, The Marquess of Hartington	837
ELEMENTARY EDUCATION ACT—COMPULSORY ATTENDANCE—Question, Mr. Hermon; Answer, Mr. W. E. Forster	837
ST. GEORGE'S CHANNEL—LIGHTHOUSE ON THE TUSKAR ROCKS—Question, Mr. Redmond; Answer, Mr. Chichester Fortescue	838
PUBLIC BUSINESS—PUBLIC HEALTH BILL—Question, Sir Charles Adderley; Answer, Mr. Gladstone	838
CHANCERY FUNDS—29 VICT., c. 5—Question, Mr. Sinclair Aytoun; Answer, The Solicitor General	839
METROPOLITAN POLICE—CASE OF CONSTABLE GEORGE CARTER—Question, Mr. Straight; Answer, Mr. Bruce	840
TREATY OF WASHINGTON—PROFESSOR BERNARD'S LECTURE—Question, Mr. Disraeli; Answer, Mr. Gladstone	841
PARLIAMENT—GALWAY ELECTION INQUIRY—JUDGMENT OF MR. JUSTICE KEOGH—Question, Colonel Stuart Knox; Answer, Mr. Gladstone	841
TREATY OF WASHINGTON—TRIBUNAL OF ARBITRATION (GENEVA)—THE INDIRECT CLAIMS—THE NEGOTIATIONS—Questions, Mr. Bouverie, Mr. Osborne; Answers, Mr. Gladstone	842
Parliamentary and Municipal Elections Bill [Bill 160]—	
<i>Moved</i> , "That the Bill be now read the third time,"—(<i>Mr. W. E. Forster</i>)	843
Amendment proposed, to leave out from the words "Bill be" to the end of the Question, in order to add the words "re-committed, in respect of Schedule I., Rule 26,"—(<i>Mr. Maguire</i>),—instead thereof.	
Question proposed, "That the words proposed to be left out stand part of the Question :"—After debate, Question put :—The House <i>divided</i> ; Ayes 279, Noes 61; Majority 218 :—After further long debate, Main Question put :—The House <i>divided</i> ; Ayes 274, Noes 216; Majority 58 :—Bill read the third time, and <i>passed</i> .	
Division List, Ayes and Noes	885
Act of Uniformity Amendment Bill (<i>Lords</i>) [Bill 136]—	
Bill <i>considered</i> in Committee	888
After short time spent therein, Bill <i>reported</i> , with Amendments; as amended, to be considered <i>To-morrow</i> .	
Tramways Provisional Orders Confirmation (No. 3) Bill [Bill 148]—	
Order for Committee read, and <i>discharged</i>	897
Bill, so far as it relates to Birmingham Corporation, <i>committed</i> to a Select Committee.	
Tramways Provisional Orders Confirmation (No. 4) Bill [Bill 155]—	
Order for Committee read, and <i>discharged</i>	897
Bill, so far as it relates to Hull, <i>committed</i> to a Select Committee.	
Mine Dues Bill—Ordered (<i>Mr. Lopes, Mr. Gregory</i>); <i>presented</i>, and read the first time [Bill 177]	
	898

TABLE OF CONTENTS.

LORDS, FRIDAY, MAY 31.	<i>Page</i>
TREATY OF WASHINGTON—TRIBUNAL OF ARBITRATION (GENEVA)—THE INDIRECT CLAIMS—CORRESPONDENCE— Correspondence respecting claims for indirect losses put forward in the Case presented by the United States Government to the Tribunal of Arbitration at Geneva— <i>Presented</i> (by command), and ordered to lie on the Table.—North America No. 7. (1872).	
TREATY OF WASHINGTON—TRIBUNAL OF ARBITRATION (GENEVA)—THE SUPPLEMENTAL ARTICLE—Question, The Earl of Derby; Answer, Earl Granville:—Debate thereon	898
COMMONS, FRIDAY, MAY 31.	
PUBLIC HEALTH BILL—CHARGES ON PUBLIC REVENUE—Question, Sir Michael Hicks-Beach; Answer, Mr. Stansfeld	909
EDUCATION (SCOTLAND) AMENDMENT BILL—Questions, Mr. Disraeli, Mr. Scourfield; Answers, Mr. Gladstone	910
MINES REGULATION BILL—Questions, Mr. Liddell, Mr. Assheton Cross; Answers, Mr. Gladstone	911
TREATY OF WASHINGTON—TRIBUNAL OF ARBITRATION (GENEVA)—THE INDIRECT CLAIMS—THE NEGOTIATIONS—Question, Colonel Barttelot; Answer, Mr. Gladstone	911
SUPPLY—Order for Committee read; Motion made, and Question proposed, “That Mr. Speaker do now leave the Chair :”—	
THE COLONIES—RESOLUTION—Amendment proposed, To leave out from the word “That” to the end of the Question, in order to add the words “in the opinion of this House, Her Majesty’s Government should consider whether it is expedient and opportune that they should advise Her Majesty to appoint a Commission to inquire as to the propriety and best means of admitting the Colonies, which, by their loyalty and patriotism, their intelligence and vigour, their numbers, geographical position, and resources, have become a highly important part of the nation, to participation in the conduct of affairs that concern the general interest of the Empire,”—(<i>Mr. Macfie</i> .)—instead thereof	
Question proposed, “That the words proposed to be left out stand part of the Question :”—After debate, Motion, by leave, <i>withdrawn</i> .	912
EDUCATION—RETIREMENT ALLOWANCES FOR CERTIFICATED TEACHERS— RESOLUTION—Amendment proposed, To leave out from the word “That” to the end of the Question, in order to add the words “this House will, upon Thursday next, resolve itself into a Committee of the Whole House, to consider of an humble Address to Her Majesty, praying that, by a deduction from the Parliamentary Grant in aid of Public Elementary Schools, a provision may be made for granting Annuities to the Certificated Teachers of such Schools upon their retirement by reason of age and infirmity; and to assure Her Majesty that this House will make good the same,”—(<i>Mr. Whitwell</i> .)—instead thereof	
Question proposed, “That the words proposed to be left out stand part of the Question :”—After short debate, Amendment, by leave, <i>withdrawn</i> .	939
CRIMINAL LAW—RELEASE OF THE WHITEHAVEN RIOTERS—THE LATE MR. MURPHY—RESOLUTION—Amendment proposed, To leave out from the word “That” to the end of the Question, in order to add the words “in the opinion of this House, the release of the Whitehaven rioters before the expiration of their sentence was not warranted by the circumstances of the case, and has a tendency to weaken the deterrent power of the Law against offences of a like character,”—(<i>Mr. Percy Wyndham</i> .)—instead thereof	
Question proposed, “That the words proposed to be left out stand part of the Question :”—After debate, Amendment, by leave, <i>withdrawn</i> .	949

TABLE OF CONTENTS.

Page

[May 31.]

SUPPLY—Order for Committee—continued.

POLLING-PLACES (SCOTLAND)—MOTION FOR RETURNS—

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, praying Her Majesty that She will be graciously pleased to give directions that there be laid before this House, a Return respecting the counties, divisions of counties, and combined counties in Scotland which severally return a Member to Parliament, showing, as far as can be given, the population of each, the area in square miles, the number of electors, the number of polling places at last election, the average number of electors to each polling place, the average number of square miles to each polling place, and the number of electors who at last election polled at each polling place, the two divisions of a county recently made for the purpose of returning a Member each for each division to be bracketed together and treated as an original county for the calculation of this Return, and the number of square miles in each county to be taken from the 'Edinburgh Almanac,' or any other authentic source,"—(*Mr. McLaren*),—instead thereof ...

Question proposed, "That the words proposed to be left out stand part of the Question:"—After short debate, Question put, and *agreed to*.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

SUPPLY—considered in Committee—MISCELLANEOUS ESTIMATES.

(In the Committee.)

(1.) £26,402, to complete the sum for the Department of the Secretary of State for the Colonies.

(2.) Motion made, and Question proposed, "That a sum, not exceeding £26,397, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1873, for the Salaries and Expenses in the Department of Her Majesty's Most Honourable Privy Council, and Subordinate Department" ...

After short debate, Motion made, and Question proposed, "That a sum, not exceeding £26,197, &c."—(*Mr. Rylands* :)—After further debate, Question put :—The Committee divided ; Ayes 28, Noes 74 ; Majority 46 :—Original Question put, and *agreed to*.

Resolutions to be reported upon *Monday* next ; Committee to sit again upon *Monday* next.

Locomotives on Roads Bill—Ordered (*Mr. Cawley, Mr. Hick, Mr. Pender*) ; *presented*, and read the first time [Bill 180] ...

Tramways (Ireland) Provisional Order Confirmation Bill—Ordered (*The Marquess of Hartington Mr. Attorney General for Ireland*) ; *presented*, and read the first time [Bill 181] ...

LORDS, MONDAY, JUNE 3.

TREATY OF WASHINGTON—DOMINION OF CANADA :—

TRIBUNAL OF ARBITRATION (GENEVA)—THE INDIRECT CLAIMS—THE SUPPLEMENTAL ARTICLE—

Further correspondence with the Government of Canada, and correspondence with the Governments of Prince Edward Island and Newfoundland, respecting the Treaty of Washington (in continuation of Paper presented May 1872) : *Presented* (by command), and ordered to lie on the Table.

Draft of Article proposed by Her Majesty's Government to the Government of the United States, 10th May 1872 : *Presented* (by Command), and to be *printed*.—North America (No. 8. 1872.)

ARMY—BAND OF THE GRENADIER GUARDS — Question, Observations, The Marquess of Hertford ; Reply, The Marquess of Lansdowne :—Short debate thereon ...

TREATY OF WASHINGTON—TRIBUNAL OF ARBITRATION (GENEVA)—THE INDIRECT CLAIMS—THE SUPPLEMENTAL ARTICLE—Observations, Earl Granville :—Short debate thereon ...

TABLE OF CONTENTS.

[June 8.]	Page
NAVY—STEAM AND COAL—ADMIRALTY ORDERS—MOTION FOR A PAPER—	
Return respecting (laid before the House on the 7th of May last): To be printed. (No. 120.)	
<i>Moved</i> , "That there be laid before this House, Copy of the revised Orders from the Admiralty to admirals and captains of Her Majesty's ships relative to the use of steam and the consumption of coal,"—(<i>The Earl of Lauderdale</i>) ...	997
After short debate, Motion (by Leave of the House) <i>withdrawn</i> .	
LANDLORD AND TENANT (IRELAND) ACT, 1870 — MOTION FOR A SELECT COMMITTEE—	
<i>Moved</i> , "That a Select Committee be appointed to inquire into the working of the Landlord and Tenant (Ireland) Act, 1870,"—(<i>The Viscount Lifford</i>) ...	1000
After debate, on Question? their Lordships <i>divided</i> ; Contents 58, Not-Contents 29; Majority 24.	
Division List, Contents and Not-Contents ..	1021
Statute Law Revision Bill (No. 107)—	
<i>Moved</i> , "That the Bill be now read 2 ^a ,"—(<i>The Lord Chancellor</i>) ..	1022
After short debate, Motion <i>agreed to</i> :—Bill read 2 ^a accordingly, and committed to a Committee of the Whole House on <i>Thursday</i> next.	
GAS AND WATER ORDERS CONFIRMATION BILL — Committee nominated:—	
List of the Committee	1023

COMMONS, MONDAY, JUNE 3.

TREATY OF WASHINGTON — TRIBUNAL OF ARBITRATION (GENEVA) — THE INDIRECT CLAIMS—THE SUPPLEMENTAL ARTICLE—	
Copy <i>presented</i> ,—of Draft of Articles proposed by Her Majesty's Government to the Government of the United States, May 10, 1872 [by Command]; to lie upon the Table.—North America (No. 8, 1872).	
IRELAND — INTOXICATION BY ETHER — Question, Colonel Stuart Knox ; Answer, The Marquess of Hartington ..	1024
IRELAND—GALWAY ELECTION INQUIRY—JUDGMENT OF MR. JUSTICE KEOGH —Question, Mr. Mitchell Henry; Answer, Mr. Gladstone ..	1025
SUGAR — DRAWBACK CONVENTION (1864) — Question, Mr. J. B. Smith; Answer, The Chancellor of the Exchequer ..	1026
ARMY — EXCHANGES BY SUB-LIEUTENANTS—Question, Colonel Beresford; Answer, Mr. Cardwell ..	1027
PUBLIC BUSINESS—CORRUPT PRACTICES BILL—PUBLIC HEALTH BILL—Questions, Mr. Fawcett, Sir Charles Adderley; Answers, Mr. Gladstone ..	1027
ROME—DIPLOMATIC REPRESENTATION AT THE PAPAL COURT—Question, Mr. Monk; Answer, Viscount Enfield ..	1028
POOR LAW (SCOTLAND)—FEMALE INSPECTORS—Question, Mr. M'Laren; Answer, The Lord Advocate ..	1028
JAPAN—THE JAPANESE EMBASSY—Question, Mr. Kinnaird; Answer, Viscount Enfield ..	1030
PARLIAMENT—BUSINESS OF THE HOUSE—ACT OF UNIFORMITY AMENDMENT BILL—Question, Mr. Rylands; Answer, Mr. Bouverie ..	1030
ARMY—BAND OF THE GRENADEIR GUARDS—Question, The Earl of Yarmouth; Answer, Mr. Cardwell ..	1031
TREATY OF WASHINGTON — TRIBUNAL OF ARBITRATION (GENEVA) — THE SUPPLEMENTAL ARTICLE—Observations, Mr. Gladstone ..	1032
<i>Moved</i> , "That this House do now adjourn,"—(<i>Mr. Osborne</i>):—After debate, Motion, by leave, <i>withdrawn</i> .	
PARLIAMENT—SITTINGS OF THE HOUSE—	
<i>Moved</i> , "That, whenever the House shall meet at Two o'clock, the sitting of the House shall be held subject to the Resolutions of the House of the 30th day of April 1869,"—(<i>Mr. Gladstone</i>) ...	1048
After short debate, Motion <i>agreed to</i> .	

TABLE OF CONTENTS.

[June 3.]

Page

SUPPLY—considered in Committee—CIVIL SERVICE ESTIMATES.

(In the Committee.)

- (1.) Motion made, and Question proposed, "That a further sum, not exceeding £846,100 be granted to Her Majesty, on account, for or towards defraying the Charge for the following Civil Services, to the 31st day of March 1873:" viz.— ... 1049

[Then the several Services are set forth.]

Motion made, and Question proposed, "That a further sum, not exceeding £423,050, &c."—(*Mr. Dillwyn*).—After short debate, Question put:—The Committee divided; Ayes 127, Noes 202; Majority 75:—Original Question put, and agreed to.

- (2.) Resolved, That a further sum, not exceeding £42,000, be granted to Her Majesty, on account, for or towards defraying the Charge for the Post Office Telegraph Service, to the 31st day of March 1873.

Resolutions to be reported *To-morrow*, at Two of the clock; Committee to sit again upon *Wednesday*.

Education (Scotland) Bill [Bill 31]—

Bill considered in Committee 1054
After some time spent therein, Committee report Progress; to sit again *To-morrow*, at Two of the clock.

Act of Uniformity Amendment Bill (*Lords*) [Bill 136]—

Moved, "That the Bill be now read the third time,"—(*Mr. W. E. Gladstone*) 1085

Moved, "That the Debate be now adjourned,"—(*Mr. Rylands*):—After short debate, Motion, by leave, *withdrawn*.

Question again proposed, "That the Bill be now read the third time."

Amendment proposed, to leave out from the words "Bill be" to the end of the Question, in order to add the words "re-committed, in respect of the Preamble,"—(*Mr. Bouverie*),—instead thereof.

After further short debate, Question put, "That the words proposed to be left out stand part of the Question:"—The House divided; Ayes 160, Noes 89; Majority 71:—Main Question put, and agreed to:—Bill read the third time, and *passed*.

ELEMENTARY SCHOOLS (CERTIFICATED TEACHERS)—

Select Committee appointed, "to inquire whether by a deduction from the Parliamentary Grant in aid of Public Elementary Schools, or by any other like means, a provision can be made for granting annuities to the Certificated Teachers of such Schools upon their retirement by reason of age and infirmity,"—(*Mr. Whitwell*) ... 1092

And, on June 10, Committee nominated—[vol. cexi. p. 1561.]

East India (Bengal, &c. Annuity Funds) Bill—Resolution [May 31] reported, and agreed to:—Bill ordered (*Mr. Grant Duff*, *Mr. Ayrton*); presented, and read the first time [Bill 182] 1092

Chain Cables and Anchors Act (1871) Suspension Bill—Acts read; considered in Committee:—Resolution agreed to, and reported:—Bill ordered (*Mr. Chichester Fortescue*, *Mr. Arthur Peel*); presented, and read the first time [Bill 183] ... 1092

LORDS, TUESDAY, JUNE 4.

PRIVILEGE—TREATY OF WASHINGTON—TRIBUNAL OF ARBITRATION (GENEVA)

—THE INDIRECT CLAIMS—Question, Observations, Lord Oranmore and Browne; Reply, Earl Granville:—Short debate thereon .. 1093

TREATY OF WASHINGTON—TRIBUNAL OF ARBITRATION (GENEVA)—THE INDIRECT CLAIMS—MOTION FOR AN ADDRESS TO HER MAJESTY—

Moved, that an humble Address be presented to Her Majesty praying that Her Majesty will be graciously pleased to give instructions that all proceedings on behalf of Her Majesty before the Arbitrators appointed to meet at Geneva pursuant to the Treaty of Washington be suspended until the claims included in the Case submitted on behalf of the United States, and understood on the part of Her Majesty not to be within the province of the Arbitrators, have been withdrawn,—(*The Earl Russell*) ... 1095

TABLE OF CONTENTS.

[June 4.]	Page
TREATY OF WASHINGTON—continued.	
After long debate, <i>Moved</i> , "That the further debate on the said Motion be adjourned,"—(<i>The Lord Chancellor</i> :)—After further short debate, on Question? their Lordships <i>divided</i> ; Contents 85, Not-Contents 125; Majority 40 :— <i>Resolved</i> in the <i>Negative</i> .	
Division List, Contents and Not-Contents	1190
<i>Moved</i> , "That the House do now adjourn,"—(<i>The Lord Kinnaird</i> :)—Motion (by Leave of the House) <i>withdrawn</i> :—Then the further debate upon the original Motion adjourned to <i>Thursday</i> next.	
COMMONS, TUESDAY, JUNE 4.	
ARMY—MILITIA SURGEONS—Question, Colonel Corbett; Answer, Mr. Campbell	1193
FRANCE—QUARANTINE IN FRENCH PORTS—Question, Mr. Baillie Cochrane; Answer, Viscount Enfield	1193
INDIA—HURRICANE AT MADRAS—Question, Sir James Elphinstone; Answer, Mr. Grant Duff	1193
Education (Scotland) Bill [Bill 31]—	
Bill <i>considered</i> in Committee [<i>Progress 3rd June</i>]	1194
I.—GENERAL MANAGEMENT.	
Clause 1 (Interpretation of Act).	
Clause 2 (Expenses of Scotch Education Department) <i>postponed</i> .	
Clause 3 (Department may employ officers in Scotland) <i>postponed</i> .	
II.—LOCAL MANAGEMENT.	
Clause 4 (Election of school boards)	1198
After some time spent therein, Committee report Progress; to sit again upon <i>Thursday</i> .	
Bishops Resignation Act (1869) Perpetuation Bill (<i>Lords</i>) [Bill 137]—	
<i>Moved</i> , "That the Bill be now read a second time,"—(<i>Mr. Gladstone</i>)	1219
Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months,"—(<i>Mr. Dickinson</i> :)—Question proposed, "That the word 'now' stand part of the Question."	
After short debate, it being ten minutes before Seven of the clock, the Debate was <i>adjourned</i> till <i>this day</i> .	
And it being now Seven of the clock, the House suspended its Sitting.	
The House resumed its sitting at Nine of the clock.	
PARLIAMENT—BUSINESS OF THE HOUSE—RESOLUTION—	
<i>Moved</i> , "That during those Sittings of the House which are limited as to time, no Motion for the Adjournment of any Debate be put from the Chair within half an hour of the time fixed for the conclusion of Opposed Business,"—(<i>Mr. Raikes</i>)	1222
After short debate, <i>Moved</i> , "That the Debate be now adjourned,"—(<i>Mr. Cavendish Bentinck</i> :)—After further debate, Question put :—The House <i>divided</i> ; Ayes 90, Noes 63; Majority 27 :—Debate <i>adjourned</i> till <i>Tuesday</i> 18th June.	
PARLIAMENT — BUSINESS OF THE HOUSE — CONSOLIDATION STATUTES —	
RESOLUTION—	
<i>Moved</i> , "That whenever a Bill for the consolidation of existing Statutes, and containing only Clauses of Acts in force, be on its passage through the House, no Amendment shall be moved at any of its stages except in Committee; and the only Amendments which may then be moved shall be to insert other Clauses of any Acts in force on the same subject, and verbal Amendments rendered necessary by the amalgamation of the Clauses of different Acts,"—(<i>Lord Robert Montagu</i>)	1236
After short debate, Motion, by leave, <i>withdrawn</i> .	

TABLE OF CONTENTS.

[June 4.]	Page
METROPOLIS — QUEEN SQUARE, WESTMINSTER, AND BIRDCAGE WALK —	
RESOLUTION—	
<i>Moved</i> , "That, in the opinion of this House, it would conduce to the convenience of the public if a carriage communication were opened between Queen Square, Westminster, and the Birdcage Walk,"—(<i>Mr. Cavendish Bentinck</i>)	1238
After short debate, Question put:—The House <i>divided</i> ; Ayes 43, Noes 55; Majority 12.	
Drainage and Improvement of Lands (Ireland) Supplemental Bill—Ordered (Mr. William Henry Gladstone, Mr. Baxter); presented, and read the first time [Bill 185]	1241
Betting Bill—Ordered (Mr. Thomas Hughes, Mr. Osborne Morgan, Mr. Bowring); presented, and read the first time [Bill 186]	1241
JURIES BILL—	
Select Committee <i>nominated</i> :—List of the Committee	1241
COMMONS, WEDNESDAY, JUNE 5.	
Registration of Borough Voters Bill [Bill 15]—	
Order for Committee read:— <i>Moved</i> , "That Mr. Speaker do now leave the Chair,"—(<i>Mr. Vernon Harcourt</i>)	1241
Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee,"—(<i>Mr. Matthews</i> ,)—instead thereof.	
Question proposed, "That the words proposed to be left out stand part of the Question:"—After debate, Question put, and <i>negatived</i> :—Words <i>added</i> :—Main Question, as amended, put, and <i>agreed to</i> :—Committee <i>put off</i> for three months.	
Defamation of Private Character Bill [Bill 99]—	
<i>Moved</i> , "That the Bill be now read a second time,"—(<i>Mr. Raikes</i>)	1254
After short debate, Motion <i>agreed to</i> :—Bill read a second time, and <i>committed for Tuesday 2nd July</i> .	
Middlesex Registration of Deeds Bill [Bill 52]—	
<i>Moved</i> , "That the Bill be now read a second time,"—(<i>Mr. Gregory</i>)	1259
After short debate, Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months,"—(<i>Mr. Denman</i> ,).	
Question proposed, "That the word 'now' stand part of the Question:"—After further short debate, Amendment and Motion, by leave, <i>withdrawn</i> :—Bill <i>withdrawn</i> .	
LORDS, THURSDAY, JUNE 6.	
TREATY OF WASHINGTON — TRIBUNAL OF ARBITRATION (GENEVA) — THE INDIRECT CLAIMS—MOTION for AN ADDRESS TO HER MAJESTY—	
Adjourned Debate <i>resumed</i>	1262
After further debate, Motion (by leave of the House) <i>withdrawn</i> .	
LANDLORD AND TENANT (IRELAND) ACT, 1870—	
Committee <i>nominated</i> :—List of the Committee	1268
Baptismal Fees Bill [H.L.]—Presented (The Lord Bishop of Winchester); read 1st (No. 128)	1268
COMMONS, THURSDAY, JUNE 6.	
IRELAND—LANDED PROPRIETORS—Question, Sir Frederick W. Heygate; Answer, The Marquess of Hartington	1268
INTERNATIONAL EXHIBITION, VIENNA, 1873 — Question, Mr. Bowring; Answer, The Chancellor of the Exchequer	1269
IRELAND—CUSTOMS CLERKS AT DUBLIN—Question, Mr. Pim; Answer, Mr. Baxter	1270
PAROCHIAL REGISTERS (IRELAND)—Question, Mr. Pim; Answer, The Attorney General for Ireland	1270

TABLE OF CONTENTS.

[June 6.]	<i>Page</i>
POLICE—CRUELTY TO ANIMALS—THE 12TH AND 13TH VICT—Question, Sir Henry Hoare; Answer, Mr. Bruce	1271
TICHBORNE v. LUSHINGTON—PROSECUTION OF THE “CLAIMANT” FOR PERJURY—Questions, Mr. J. D. Lewis, Mr. Whalley, Mr. Onslow; Answers, The Chancellor of the Exchequer, The Attorney General	1271
LOCAL TAXATION—THE RESOLUTION—Question, Sir Massey Lopes; Answer, Mr. Gladstone	1273
CRIMINAL LUNATICS—CRICKHOWELL UNION—Question, Sir Joseph Bailey; Answer, Mr. Bruce	1273
TERMINABLE ANNUITIES, 29 VICT. c. 5—Question, Mr. Sinclair Aytoun; Answer, Mr. Baxter	1274
ARMY—APPOINTMENTS AND PROMOTIONS—THE ROYAL WARRANT—Questions, Lord Eustace Cecil; Answers, Mr. Cardwell	1275
TREATY OF WASHINGTON—TRIBUNAL OF ARBITRATION (GENEVA)—THE INDIRECT CLAIMS—Question, Mr. Percy Wyndham; Answer, Mr. Gladstone	1276
FRANCE—QUARANTINE IN FRENCH PORTS—Question, Mr. Baillie Cochrane; Answer, Viscount Enfield	1277
METROPOLIS—COMMUNICATION BETWEEN QUEEN SQUARE AND BIRDCAGE WALK—Questions, Mr. Cavendish Bentinck, Mr. Neville-Grenville; Answers, Mr. Ayrton	1277
PARLIAMENT—REPORT OF SELECT COMMITTEE ON PUBLIC BUSINESS—Question, Mr. Raikes; Answer, The Chancellor of the Exchequer	1278
ARMY—COMMISSIONS—UNIVERSITY CANDIDATES—Questions, Mr. Assheton Cross, Lord Eustace Cecil; Answers, Mr. Cardwell	1278
PERSIA—FOREIGN JURISDICTION ACT—Question, Mr. Eastwick; Answer, Viscount Enfield	1279
LOCAL TAXATION—Question, Colonel Barttelot; Answer, Mr. Gladstone	1279
TREATY OF WASHINGTON—TRIBUNAL OF ARBITRATION (GENEVA)—THE INDIRECT CLAIMS—RESOLUTION (<i>Viscount Bury</i>)—Question, Mr. J. G. Talbot; Answer, Viscount Bury	1279
<i>Moved</i> , “That this House do now adjourn,”—(<i>Viscount Bury</i> .)	
After short debate, Motion, by leave, <i>withdrawn</i> .	
Education (Scotland) Bill [Bill 31]—	
Bill considered in Committee [<i>Progress 4th June</i>]	1284
II.—LOCAL MANAGEMENT.	
Clause 5 (Area of a parish and a burgh.)	
Clause 6 (United parishes) <i>agreed to</i> .	
Clause 7 (Burghs may be united with parishes in certain cases)	1289
Clause 8 (First election of school boards)	1289
Clauses 9 to 18, inclusive, <i>agreed to</i> .	
Clause 19 (School board declared to be a body corporate. Managers)	1306
After some time spent therein, Committee report Progress; to sit again <i>To-morrow</i> , at Two of the clock.	

LORDS, FRIDAY, JUNE 7.

THE GUARDS—Notice of Motion withdrawn (<i>The Duke of Richmond</i>)	1326
ARMY—THE PURCHASE AND THE SCIENTIFIC CORPS—Question, Observations, Lord Abinger; Reply, The Marquess of Lansdowne:—Short debate thereon	1327
Intoxicating Liquor (Licensing) Bill (Nos. 78-106)—	
Order of the Day for receiving the Report of Amendments, read	1332
After short debate, Order <i>discharged</i> ; and Bill <i>re-committed</i> to a Committee of the Whole House <i>forthwith</i> :—House in Committee accordingly.	
Amendments made; the Report thereof to be received on <i>Monday</i> next, and Bill to be <i>printed</i> , as amended (No. 131.)	
PETROLEUM BILL [H.L.]—Committee <i>nominated</i> :—List of the Committee	1348

TABLE OF CONTENTS.

COMMONS, FRIDAY, JUNE 7.		<i>Page</i>
OXFORDSHIRE MAGISTRATES—CASE OF MR. NORRIS—Question, Mr. Locke;		
Answer, Mr. Bruce		1349
INDIA—WATER SUPPLY OF PESHAWUR—Question, Mr. Stapleton; Answer,		
Mr. Grant Duff		1350
EDUCATION DEPARTMENT—MANCHESTER SCHOOL BOARD—Question, Mr.		
Jacob Bright; Answer, Mr. W. E. Forster ..		1350
Education (Scotland) Bill [Bill 81]—		
Bill <i>considered</i> in Committee [<i>Progress 6th June</i>] ..		1352
III.—SCHOOLS.		
Clause 20 (Parish schools).		
Clauses 21 to 23, inclusive, <i>agreed to</i> .		
Clause 24 (School boards to ascertain amount of accommodation) ..		1353
Clauses 25 to 34, inclusive, <i>agreed to</i> .		
Clause 35 (Transference of existing schools to school boards) ..		1356
Clauses 36 to 38, inclusive, <i>agreed to</i> .		
Clause 39 (Combination of school boards) ..		1359
IV.—FINANCE.		
Clause 40 (School fund)		1359
Clause 41 (Power to impose rates)		1360
Clause 42 (Borrowing by school boards)		1360
Clause 43 (Burgh school funds to be transferred to school boards) ..		1362
Clauses 44 to 49, inclusive, <i>agreed to</i> .		
Clause 50 (School fees)		1367
After some time spent therein, Committee report Progress; to sit again upon <i>Monday</i> next.		
And it being now Seven of the clock, the House suspended its Sitting.		
The House resumed its sitting at Nine of the clock.		
SUPPLY—Order for Committee read; Motion made, and Question proposed,		
“That Mr. Speaker do now leave the Chair:”—		
NAVY—SYSTEM OF NAVIGATION—RESOLUTION—Amendment proposed,		
To leave out from the word “That” to the end of the Question, in order to add the words “in the opinion of this House, the time has arrived when the maintenance of a separate and distinct branch of officers for navigating duties is no longer desirable in the interests of the Naval Service,”—(<i>Mr. Hanbury-Tracy</i>),—instead thereof ...		
Question proposed, “That the words proposed to be left out stand part of the Question:”—After debate, Amendment, by leave, <i>withdrawn</i> .		1375
ARMY—INDIA—ROYAL HORSE ARTILLERY—Observations, Colonel North,		
Sir Charles Wingfield; Reply, Mr. Grant Duff:—Short debate thereon		1416
Motion, “That Mr. Speaker do now leave the Chair,” by leave, <i>withdrawn</i>:—Committee deferred till Monday next.		
Burial Grounds Bill (Lords) [Bill 111]—		
<i>Moved</i> , “That the Bill be now read a second time,”—(<i>Mr. Cross</i>) ..		1420
After short debate, Motion <i>agreed to</i> :—Bill read a second time, and <i>committed</i> for <i>Friday</i> next.		
Sites for Places of Worship and Schools Bill [Bill 2]—		
Order for Consideration read		1420
Amendment proposed,		
In page 8, line 41, after the word “school,” to add the words “and such trust deed, together with the names of the trustees for the time being, shall be enrolled in the High Court of Chancery,”—(<i>Mr. Newdegate</i> .)		
Question proposed, “That those words be there added.”		

TABLE OF CONTENTS.

[June 7.]	<i>Page</i>
<i>Sites for Places of Worship and Schools Bill</i> —continued.	
Amendment proposed to the said proposed Amendment, to leave out the words "together with the names of the trustees for the time being,"— (<i>Mr. Osborne Morgan</i> .)	
Question proposed, "That the words proposed to be left out stand part of the said proposed Amendment:"—Question put:—The House <i>divided</i> ; Ayes 3; Noes 22; Majority 19.	
And it appearing from the Division that 40 Members were not present—	[House adjourned.]

LORDS, MONDAY, JUNE 10.

Parliamentary and Municipal Elections Bill (No. 117)—	
<i>Moved</i> , "That the Bill be now read 2 ^d ,"—(<i>The Lord President</i>)	.. 1421
Amendment <i>moved</i> , to leave out ("now") and insert ("this day six months,")—(<i>The Earl Grey</i> .)	
After long debate, on Question, That ("now") stand part of the Motion? their Lordships <i>divided</i> ; Contents 86, Not-Contents 56; Majority 30: — <i>Resolved</i> in the <i>Affirmative</i> ; Bill read 2 ^d accordingly, and <i>committed</i> to a Committee of the Whole House on <i>Monday</i> next.	
Division List, Contents and Not-Contents	.. 1504
Appointment of Commissioners for taking Affidavits Bill [H.L.]—Presented (<i>The Marquess of Clanricarde</i>); read 1 st (No. 133)	
...	... 1505

COMMONS, MONDAY, JUNE 10.

EMPLOYMENT OF WOMEN—CASE OF MARY ANN SMITH—Question, Mr. Welby; Answer, Mr. Bruce	.. 1506
CRIMINAL LAW — COLLUMPTON MAGISTRATES — CASE OF JOHN WEBBER— Question, Mr. Kay-Shuttleworth; Answer, Mr. Bruce	.. 1507
PUBLIC PROSECUTORS BILL—COST OF PUBLIC PROSECUTORS—Question, Mr. West; Answer, Mr. Bruce	.. 1507
THE DIPLOMATIC SERVICE—REPORT OF THE DIPLOMATIC COMMITTEE— Question, Mr. Cartwright; Answer, Viscount Enfield	.. 1507
PARLIAMENT—PUBLIC BUSINESS—Question, Sir Colman O'Loghlen; Answer, Mr. Gladstone	.. 1509
ARMY—BAND OF THE GRENADIER GUARDS—Questions, Mr. Waterhouse, Colonel Stuart Knox, The Earl of Yarmouth; Answers, Mr. Cardwell	1510
IRELAND — REFORMATORIES AND INDUSTRIAL SCHOOLS — Question, Mr. O'Reilly; Answer, The Marquess of Hartington	.. 1512
WORKING MEN'S CLUBS—THE EXCISE—Question, Sir Harcourt Johnstone; Answer, The Chancellor of the Exchequer	.. 1513
INLAND REVENUE—THE INCOME TAX—TENANT FARMERS—Question, Mr. C. S. Read; Answer, The Chancellor of the Exchequer	.. 1513
INDIA—STAFF APPOINTMENTS—Question, Sir Patrick O'Brien; Answer, Mr. Grant Duff	.. 1514
NAVY—THE REPORT OF "MEGERA" COMMISSION—Question, Mr. Kavanagh; Answer, Lord Henry Lennox	.. 1514
CHURCH TEMPORALITIES (IRELAND) COMMISSIONERS — SALES OF LAND— Question, Mr. Heron; Answer, The Marquess of Hartington	.. 1515
SUPPLY—considered in Committee—CIVIL SERVICE ESTIMATES.	
(In the Committee.)	
(1.) Motion made, and Question proposed, "That a sum, not exceeding £74,235, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1873, for the Salaries and Expenses of the Office of the Committee of Privy Council for Trade and Subordinate Departments"	... 1516
Motion made, and Question proposed, "That a sum, not exceeding £73,735, &c.,"—(<i>Mr. Bowring</i> :)—After debate, Question put, and <i>negatived</i> .	

TABLE OF CONTENTS.

[June 10.]

Page

SUPPLY—CIVIL SERVICE ESTIMATES—Committee—continued.

- Original Question put, and *agreed to*.
- (2.) Motion made, and Question proposed, "That a sum, not exceeding £2,011, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1873, for the Salaries and Expenses of the Office of the Lord Privy Seal" ... 1523
- Moved*, "That the Vote be omitted,"—(*Mr. Dillwyn*.)
- After short debate, Question put:—The Committee *divided*; Ayes 193, Noes 57; Majority 136:—Vote *agreed to*.
- (3.) £14,133, to complete the sum for the Charity Commission.—After short debate, Vote *agreed to* ... 1529
- (4.) £12,166, to complete the sum for the Civil Service Commission.—After short debate, Vote *agreed to* ... 1533
- (5.) £14,083, to complete the sum for the Office of the Copyhold, Inclosure, and Tithe Commissions.—After short debate, Vote *agreed to* ... 1533
- (6.) £7,750, to complete the sum for the Imprest Expenses under the Inclosure and Drainage Acts.
- (7.) £28,506, to complete the sum for the Department of the Comptroller and Auditor General of the Exchequer.—Vote *agreed to* ... 1535
- (8.) £48,538, to complete the sum for the Department of the Registrar General of Births, &c. in England.—After short debate, Vote *agreed to* ... 1535
- (9.) £11,181, to complete the sum for the Office of the Commissioners in Lunacy in England.
- (10.) £13,377, to complete the sum for the National Debt Office.
- (11.) £20,428, to complete the sum for the Charges connected with the Patent Law Amendment Act.—After short debate, Vote *agreed to* ... 1535
- (12.) £18,841, to complete the sum for the Department of the Paymaster General in London and Dublin.—After short debate, Vote *agreed to* ... 1537
- (13.) £239,849, to complete the sum for the Local Government Board.—After short debate, Vote *agreed to* ... 1537
- (14.) £16,467, to complete the sum for the Public Record Office.—After short debate, Vote *agreed to* ... 1538
- (15.) £2,993, to complete the sum for the Establishments under the Public Works Loan Commissioners and the West India Islands Relief Commissioners.—After short debate, Vote *agreed to* ... 1538
- (16.) £1,619, to complete the sum for the Offices of the Registrars of Friendly Societies.—After short debate, Vote *agreed to* ... 1539
- (17.) £297,658, to complete the sum for Stationery, Printing, Binding, &c.—After short debate, Vote *agreed to* ... 1539
- (18.) £18,727, to complete the sum for the Offices of Woods, Forests, and Land Revenues, &c.—After short debate, Vote *agreed to* ... 1539
- (19.) £29,757, to complete the sum for the Office of Works and Public Buildings.—After short debate, Vote *agreed to* ... 1541
- (20.) Motion made, and Question proposed, "That a sum, not exceeding £18,100, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1873, for Her Majesty's Foreign and other Secret Services" ... 1543
- Motion made, and Question proposed, "That a sum, not exceeding £8,100, &c."—(*Mr. Rylands* :)—After short debate, Question put:—The Committee *divided*; Ayes 35, Noes 166; Majority 131.
- Original Question put, and *agreed to*.
- (21.) Motion made, and Question proposed, "That a sum, not exceeding £4,667, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1873, for the Salaries and Expenses of the Department of the Queen's and Lord Treasurer's Remembrancer in the Exchequer, Scotland, of certain Officers in Scotland, and other Charges formerly paid from the Hereditary Revenue" ... 1548
- Motion made, and Question proposed, "That the Item of £218, for the Queen's Plates, be reduced by the sum of £197 13s."—(*Mr. Lusk* :)—After short debate, Question put:—The Committee *divided*; Ayes 78, Noes 116; Majority 38.
- Original Question again proposed:—Motion made, and Question proposed, "That a sum, not exceeding £3,948, &c."—(*Mr. Andrew Johnston* :)—After short debate, Motion, by leave, *withdrawn*:—Original Question put, and *agreed to*.
- (22.) £7,178, to complete the sum for the General Register Office and Census, Scotland.
- (23.) £4,471, to complete the sum for the Board of Lunacy, Scotland.
- (24.) £13,306, to complete the sum for the Board of Supervision for Relief of the Poor, Scotland.
- (25.) £4,907, to complete the sum for the Household of the Lord Lieutenant of Ireland, &c.
- (26.) £20,539, to complete the sum for the Offices of the Chief Secretary to the Lord Lieutenant of Ireland.

TABLE OF CONTENTS.

[June 10.]	<i>Page</i>
SUPPLY—CIVIL SERVICE ESTIMATES—Committee—continued.	
(27.) £250, to complete the sum for the Expenses of the Boundary Survey, Ireland.	
(28.) £1,608, to complete the sum for the Charitable Donations and Bequests Office, Ireland.	
(29.) £25,375, to complete the sum for the General Register Office and Census, Ireland.	
(30.) £76,580, to complete the sum for the Poor Law Commission, Ireland.	
(31.) £3,576, to complete the sum for the Public Record Office, &c., Ireland.	
(32.) £20,399, to complete the sum for the Office of Works, Ireland.	
Resolutions to be reported.	
Motion made, and Question proposed, "That a sum, not exceeding £37,255, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1873, for Law Charges, and for the Salaries, Allowances, and Incidental Expenses, including Prosecutions relating to Coin, in the Department of the Solicitor for the Affairs of Her Majesty's Treasury"	1552
Motion made, and Question proposed, "That a sum, not exceeding £34,765, &c."—(<i>Mr. West</i> :)—After short debate, Moved to report Progress,—(<i>Mr. Chancellor of the Exchequer</i> :)—Motion agreed to.	
Resolutions to be reported To-morrow, at Two of the clock :—Committee also report Progress ; to sit again upon Wednesday.	
Bishops Resignation Act (1869) Perpetuation Bill (<i>Lords</i>) [Bill 137]—	
Order read, for resuming Adjourned Debate on Amendment proposed to Question [4th June], "That the Bill be now read a second time ;" and which Amendment was, to leave out the word "now," and at the end of the Question to add the words "upon this day three months,"—(<i>Mr. Dickinson</i> .)	
Question again proposed, "That the word 'now' stand part of the Question :"—Debate resumed	1553
After short debate, Amendment, by leave, <i>withdrawn</i> :—Original Question put, and agreed to :—Bill read a second time, and committed for Thursday 20th June.	
Customs and Inland Revenue Bill [Bill 106]—	
Order for Committee read :— <i>Moved</i> , "That Mr. Speaker do now leave the Chair"	1554
After short debate, Motion agreed to.	
Bill considered in Committee.	
After some time spent therein, Bill reported ; as amended, to be considered upon Thursday.	
TREATY OF WASHINGTON—TRIBUNAL OF ARBITRATION (GENEVA)—THE NEGOTIATIONS—Notice (<i>Mr. Bruce</i>)	
	1561
ELEMENTARY SCHOOLS (CERTIFICATED TEACHERS)—Committee nominated :—	
List of the Committee	1561
Review of Justices' Decisions Bill—Ordered (<i>Mr. Hunt, Mr. Staveley Hill</i>) ; presented, and read the first time [Bill 190]	
	1562
Railways Provisional Certificate Confirmation Bill—Ordered (<i>Mr. Arthur Peel, Mr. Chichester Fortescue</i>) ; presented, and read the first time [Bill 192]	
	1562
Board of Trade Inquiries Bill—Ordered (<i>Mr. Chichester Fortescue, Mr. Arthur Peel</i>) ; presented, and read the first time [Bill 193]	
	1562
LORDS, TUESDAY, JUNE 11.	
TREATY OF WASHINGTON—TRIBUNAL OF ARBITRATION (GENEVA)—THE INDIRECT CLAIMS—THE SUPPLEMENTAL ARTICLE—ENLARGEMENT OF TIME—Statement, Earl Granville :—Debate thereon	
	1562
TREATY OF WASHINGTON—COMMUNICATIONS OF THE HIGH COMMISSIONERS—PROFESSOR BERNARD'S LECTURE—Question, Observations, Lord Buckhurst ; Reply, Earl Granville	
	1582

TABLE OF CONTENTS.

[June 11.]

Page

TREATY OF WASHINGTON—TRIBUNAL OF ARBITRATION (GENEVA)—MOTION FOR AN ADDRESS—

Moved that an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to give instructions that all proceedings on behalf of Her Majesty before the arbitrators appointed to meet at Geneva pursuant to the Treaty of Washington be suspended until an agreement in writing be come to between Her Majesty's Government and the Government of the United States, and such agreement be laid before the arbitrators at Geneva by the joint action of these two Governments, removing and putting an end to all demands on the part of the Government of the United States with regard to the claims included in the case submitted on behalf of the United States and understood on the part of Her Majesty not to be within the province of the arbitrators,—(*The Lord Oranmore and Browne*) ... 1584
Resolved in the *Negative*.

COMMONS, TUESDAY, JUNE 11.

European Assurance Society Bill (by Order)—

Moved, "That the Bill be now read the third time" ... 1584
 Amendment proposed, to leave out from the word "be" to the end of the Question, in order to add the words "re-committed to the former Committee,"—(*Mr. Eykyn*,)—instead thereof.
 Question proposed, "That the words proposed to be left out stand part of the Question :"—After short debate, Amendment, by leave, *withdrawn*.
 Main Question put, and *agreed to*:—Bill read the third time, and *passed*.

MASTER AND SERVANT (WAGES) BILL—Question, Mr. Pell; Answer, Mr. Bruce ... 1588

EDUCATION—INSPECTORS OF ELEMENTARY SCHOOLS—Question, Mr. H. Samuelson; Answer, Mr. W. E. Forster ... 1588

TREATY OF WASHINGTON—TRIBUNAL OF ARBITRATION (GENEVA)—THE INDIRECT CLAIMS—THE SUPPLEMENTAL ARTICLE—ENLARGEMENT OF TIME—Statement (*Mr. Gladstone*) ... 1589
Moved, "That this House do now adjourn,"—(*Mr. Newdegate* :)—After debate, Motion, by leave, *withdrawn*.

Education (Scotland) Bill [Bill 31]—

Bill *considered* in Committee [*Progress 7th June*] ... 1615
 IV.—FINANCE.

Clause 50 (School Fees) ...
 Clause 51 (Teachers Houses) ... 1616

V.—TEACHERS.

Clause 52 (Teachers in office before the passing of the Act. Teachers appointed after passing of Act) ... 1621
 Committee report Progress; to sit again upon *Thursday*.

PARLIAMENT—COUNTS OF THE HOUSE—RESOLUTION (*Mr. Bowring*) ... 1629
 [House counted out]

COMMONS, WEDNESDAY, JUNE 12.

Criminal Trials (Ireland) Bill [Bill 47]—

Moved, "That the Bill be now read a second time,"—(*Sir Colman O'Loughlen*) ... 1630
 Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months,"—(*Mr. Attorney General for Ireland*.)
 After short debate, Question put, "That the word 'now' stand part of the Question :"—The House *divided*; Ayes 28, Noes 165; Majority 137:—Words *added*.
 Main Question, as amended, put, and *agreed to*:—Bill *put off* for three months.

TABLE OF CONTENTS.

[June 12.]	<i>Page</i>
Wild Fowl Protection Bill [Bill 46]—	
<i>Moved</i> , "That the Bill be now read a second time,"—(<i>Mr. Andrew Johnston</i>)	1646
Amendment proposed,	
To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it is desirable to provide for the protection of all Wild Birds during the breeding season,"—(<i>Mr. Auberon Herbert</i>),—instead thereof.	
Question proposed, "That the words proposed to be left out stand part of the Question :"—After short debate, Amendment, by leave, <i>withdrawn</i> .	
Main Question put, and <i>agreed to</i> :—Bill read a second time, and <i>committed</i> for Tuesday next.	
Municipal Corporations (Ireland) Law Amendment Bill [Bill 79]—	
<i>Moved</i> , "That the Bill be now read a second time,"—(<i>Mr. Serjeant Sherlock</i>)	1655
After short debate, Motion, by leave, <i>withdrawn</i> :—Bill <i>withdrawn</i> .	
Agricultural Children Bill [Bill 104]—	
<i>Moved</i> , "That the Bill be now read a second time,"—(<i>Mr. Clare Read</i>)	1657
After short debate, Motion <i>agreed to</i> :—Bill read a second time, and <i>committed</i> for Friday.	
Mine Dues Bill [Bill 177]—	
<i>Moved</i> , "That the Bill be now read a second time,"—(<i>Mr. Lopes</i>)	1661
After short debate, it being a quarter of an hour before Six of the clock, the Debate stood adjourned till <i>To-morrow</i> .	

LORDS, THURSDAY, JUNE 13.

EXTRADITION (GERMANY)—COMMUNIST PRISONERS (FRANCE)—PAPERS PRESENTED BY COMMAND—Observations, Earl Granville	1662
Correspondence respecting the embarkation of Communist Prisoners from French Ports to England: And	
Treaty between Her Majesty and the Emperor of Germany for the mutual surrender of Fugitive Criminals; signed at London 14th May 1872 :	
<i>Presented</i> (by command), and ordered to lie on the Table.	
Baptismal Fees Bill (No. 128)—	
<i>Moved</i> , "That the Bill be now read 2 ^a ,"—(<i>The Lord Bishop of Winchester</i>)	1663
After short debate, Motion <i>agreed to</i> :—Bill read 2 ^a accordingly, and <i>committed</i> to a Committee of the Whole House on Tuesday next.	
Intoxicating Liquor (Licensing) Bill (Nos. 78, 106, 131)—	
Bill read 3 ^a (according to Order)	1665
After short debate, Bill <i>passed</i> ; and sent to the Commons.	
Bank of England (Election of Directors) Bill [B.L.]—Presented (<i>The Lord Redesdale</i>); read 1^a (No. 144)	1666
Trusts of Benefices and Churches Bill [B.L.]—Presented (<i>The Lord Bishop of Carlisle</i>); read 1^a (No. 151)	1666

COMMONS, THURSDAY, JUNE 13.

PARLIAMENT—PRIVATE LEGISLATION—RESOLUTION—

<i>Moved</i> , "That the existing system of passing Local Bills on the same subjects as Public General Acts is inconvenient, works injustice between different towns, and leads to unnecessary complication in the Laws affecting Local Government,"—(<i>Mr. Francis Sharp Powell</i>)	1666
<i>Moved</i> , "That the debate be adjourned,"—(<i>Mr. Dent</i>) :—Motion <i>agreed to</i> ;	
—Debate <i>adjourned</i> till Thursday next,	

TABLE OF CONTENTS.

[June 13.]	Page
IRELAND—GALWAY ELECTION PETITION—JUDGMENT OF MR. JUSTICE KEOGH—	
Certificate and Report from Mr. Justice Keogh, and Special Case—together with Minutes of Evidence, and Shorthand Writer's Notes of Mr. Justice Keogh's Judgment	1669
<i>Moved</i> , "That the said Certificate and Report from Mr. Justice Keogh, together with the Special Case and Order of the Court of Common Pleas in Ireland, be entered in the Journals of this House"	1677
<i>Motion agreed to.</i>	
<i>Moved</i> , That the Clerk of the Crown do attend this House To-morrow, at Two of the clock, with the last Return for the County of Galway, and amend the same, by rasing out the name of John Philip Nolan, esquire, and inserting the name of Captain the Honourable William le Poer Trench, instead thereof,—(<i>Mr. Gladstone</i> :)—After short debate, Motion <i>agreed to.</i>	
After further debate, <i>Ordered</i> , That the Copy of the Shorthand Writer's Notes of the Judgment of Mr. Justice Keogh on the Trial of the Galway County Election Petition [No. 241]:	
Also the Minutes of the Evidence taken at the Trial of the said Election Petition, and the Appendix thereto [No. 241], be printed,—(<i>Mr. Attorney General for Ireland.</i>)	
ELEMENTARY EDUCATION ACT—LUDLOW SCHOOL—Question, Mr. Dixon;	
Answer, Mr. W. E. Forster	1682
COLONIES—CROWN LANDS—Question, Mr. Macfie; Answer, Mr. Knatchbull-Hugessen	
1682	
INDIAN LABOURERS IN THE MAURITIUS—Question, Mr. Gilpin; Answer, Mr. Knatchbull-Hugessen	
1683	
LAND RETURNS—THE "NEW DOMESDAY BOOK"—Question, Mr. Wren-Hoskyns; Answer, Mr. Stansfeld	
1684	
POST OFFICE—IRISH MAILS—MILFORD—Question, Mr. Gilpin; Answer, Mr. Monsell	
1684	
CRIMINAL PROSECUTIONS—TREASURY REVISION OF COSTS—Question, Mr. Wharton; Answer, Mr. Bruce	
1685	
CRIMINAL LAW—COLLUMPTON MAGISTRATES—CASE OF JOHN WEBBER—Question, Mr. Kay-Shuttleworth; Answer, Mr. Bruce	
1686	
METROPOLIS—CHELSEA TOLL BRIDGE—Question, Mr. Peek; Answer, Mr. Ayrton	
1686	
RAILWAYS—COMMUNICATION WITH GUARDS—THE CORD SYSTEM—Question, Mr. Hinde Palmer; Answer, Mr. Chichester Fortescue	
1687	
SUEZ CANAL—INCREASE OF DUES—NET AND GROSS TONNAGE—Questions, Mr. Norwood; Answers, Mr. Chichester Fortescue	
1687	
LOCAL GOVERNMENT—DIGEST OF SANITARY LAWS—Question, Sir Massey Lopes; Answer, Mr. Stansfeld	
1688	
ORDNANCE SURVEY—LINCOLNSHIRE—Question, Mr. Welby; Answer, Mr. Ayrton	
1689	
ELEMENTARY EDUCATION ACT—ELECTION OF SCHOOL BOARDS—Question, Mr. Heygate; Answer, Mr. W. E. Forster	
1689	
SOUTH KENSINGTON MUSEUM—NATURAL HISTORY COLLECTIONS—Question, Mr. Spencer Walpole; Answer, Mr. Ayrton	
1690	
LIQUOR LAWS IN THE COLONIES—Question, Sir Wilfrid Lawson; Answer, Mr. Knatchbull-Hugessen	
1690	
NAVY—CAPTAINS OF MARINES—Question, Sir John Hay; Answer, Mr. Goschen	
1691	
ARMY—MARTINI-HENRY RIFLE—MR. ANDREWS—Question, Mr. Stacpoole; Answer, Sir Henry Storks	
1691	
ARMY—SCIENTIFIC CORPS—PROMOTION IN THE ARTILLERY AND ENGINEERS—Question, Major General Sir Percy Herbert; Answer, Mr. Cardwell	
1692	
TREATY OF WASHINGTON—THE SAN JUAN ARBITRATION—CANADIAN CLAIMS—Question, Mr. Corrance; Answer, Mr. Gladstone :—Debate thereon	
1693	

TABLE OF CONTENTS.

[June 13.]	<i>Page</i>
Education (Scotland) Bill [Bill 31]—	
Bill <i>considered</i> in Committee [<i>Progress 11th June</i>]	1700
V.—TEACHERS.	
Clause 52 (Teachers in office before the passing of the Act. Teachers appointed after passing of Act.)	
Clause 53 (Qualified teachers) <i>agreed to</i> .	
Clause 54 (Examinations of Teachers)	1711
Clause 55 (Certificates) <i>agreed to</i>	
Clause 56 (University degrees, &c.)	1712
Clause 57 (Removal of teachers appointed before passing of Act) ..	1713
Clause 58 (Retiring allowances)	1713
Clause 59 (Higher class public schools.—Burgh) ..	1714
Clause 60 (Higher class public schools.—Parish) <i>agreed to</i> .	
Clause 61 (Funds) <i>agreed to</i> .	
VI.—MISCELLANEOUS—INSPECTION—CONSCIENCE CLAUSE— COMPULSION, &c.	
Clause 62 (Evidence of orders, &c. of Education Department) <i>agreed to</i> .	
Clause 63 (Inspection) <i>agreed to</i> .	
Clause 64 (Parliamentary grant)	1718
Committee report Progress; to sit again <i>To-morrow</i> , at Two of the clock.	
Court of Chancery (Funds) Bill [Bill 43]—	
<i>Moved</i> , “That the Bill be now taken into Consideration”	1721
Amendment proposed, to leave out from the word “be” to the end of the Question, in order to add the words “re-committed, in respect of Clause 21,”—(<i>Colonel French</i>),—instead thereof.	
Question proposed, “That the words proposed to be left out stand part of the Question:”—After short debate, Question put:—The House divided; Ayes 54, Noes 140; Majority 86:—Words <i>added</i> :—Main Question, as amended, put, and <i>agreed to</i> :—Bill <i>re-committed</i> ; <i>considered</i> in Committee.	
Clause 21 (Pension to present Accountant General) amended.	
Bill <i>reported</i> ; as amended, <i>considered</i> ; Amendments made; to be read the third time <i>To-morrow</i> , at Two of the clock.	
Custody of Infants Bill [Bill 93]—	
<i>Moved</i> , “That the Bill be now read a second time,”—(<i>Mr. William Fowler</i>)	1724
Debate arising:— <i>Moved</i> , “That the Debate be now adjourned,”—(<i>Mr. James Lowther</i>) [House counted out]	

LORDS, FRIDAY, JUNE 14.

TREATY OF WASHINGTON — TRIBUNAL OF ARBITRATION (GENEVA)—THE SUPPLEMENTAL ARTICLE—

Correspondence respecting Geneva arbitration: *Presented* (by Command), and ordered to lie on the Table.—North America (No. 9, 1872).

CRIMINAL LAW—RELEASE OF THE WHITEHAVEN RIOTERS—THE LATE MR. MURPHY—MOTION FOR PAPERS—

Moved that an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to lay before this House all correspondence relative to the release of prisoners convicted of assault on the late Mr. Murphy, whether between the Roman Catholic chaplain of the jail in which such prisoners were confined, or with the visiting or other magistrates of the county or borough in which the conviction of the said prisoners took place, or with the Judge before whom the said prisoners were tried, and Her Majesty's Government,—(*The Lord Oranmore and Browne*) 1725

After short debate, on Question? *Resolved* in the *Negative*.

TABLE OF CONTENTS.

[June 14.]	<i>Page</i>
CHRISTCHURCH ANNUAL FAIRS ABOLITION—Question, The Earl of Malmesbury; Answer, The Earl of Morley	1730
TREATY OF WASHINGTON—TRIBUNAL OF ARBITRATION (GENEVA)—ORDER OF PROCEEDINGS—Question, Observations, Lord Redesdale; Reply, Earl Granville	1730
DANGEROUS EXHIBITIONS—WOMEN AND CHILDREN—Observations, Lord Buckhurst; Reply, The Earl of Morley	1733
Limited Owners Improvements Bill [H.L.]— <i>Presented (The Marquess of Salisbury);</i> read 1 ^o (No. 154)	1734

COMMONS, FRIDAY, JUNE 14.

GALWAY COUNTY ELECTION—The Clerk of the Crown attending according to order, amended the Return for the County of Galway.	
TREATY OF WASHINGTON—TRIBUNAL OF ARBITRATION (GENEVA)—THE INDIRECT CLAIMS—CORRESPONDENCE—Copy <i>presented</i> ,—of Correspond- ence respecting the Geneva Arbitration [by Command]; to lie upon the Table.—North America (No. 9, 1872).	
PARLIAMENT—CONVERTED ELECTIONS—THE GALWAY ELECTION—JUDGMENT OF MR. JUSTICE KEOGH—Notice of Motion (<i>The O'Donoghue</i>)	1735
TREATY OF WASHINGTON—"PROVISIONAL USE"—Notice of Questions, Mr. Gregory, Mr. Baillie Cochrane	1735
TREATY OF WASHINGTON—THE INDIRECT CLAIMS—COMMUNICATION OF THE HIGH COMMISSIONERS—Questions, Mr. Horsman; Answers, Mr. Gladstone	1736
TREATY OF WASHINGTON—GENERAL CONTRACTS OF THE TREATY—PROCEEDINGS BEFORE TRIBUNAL OF ARBITRATION (GENEVA)— <i>Moved</i> , "That this House do now adjourn,"—(<i>Mr. Corrance</i>)	1738
After short debate, Motion, by leave, <i>withdrawn</i> .	
POOR LAW—CASE OF MR. GODING—Question, Sir Michael Hicks-Beach; Answer, Mr. Hibbert	1742
IRELAND—MURDER OF MRS. NEILL AT RATHGAR—Question, Mr. Whalley; Answer, The Marquess of Hartington	1743
IRELAND—MASTERS AND ASSISTANTS OF NATIONAL SCHOOLS—Question, Mr. Smyth; Answer, Mr. Baxter	1743
Education (Scotland) Bill [Bill 31]—	
Bill <i>considered</i> in Committee [<i>Progress 13th June</i>]	1744
Clause 65 (Conscience clause)	1756
Committee report Progress; to sit again upon <i>Tuesday</i> next, at Two of the clock.	
It being now Seven of the Clock, the House suspended its Sitting.	

The House resumed its Sitting at Nine of the Clock.

SUPPLY—Order for Committee read; Motion made, and Question proposed,
"That Mr. Speaker do now leave the Chair:"—

FRANCE—DENUNCIATION OF THE TREATY OF COMMERCE—RESOLUTION—
Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the
words "the recent action of the French Government in imposing 'Differential Duties'
on merchandise carried in British Ships in the 'Indirect Trade,' is inconsistent with
the policy mutually agreed upon between the two Countries in 1866; and that
such policy, whilst likely to entail serious injury upon French Trade and Manufactures,
is calculated, in the present circumstances of the 'Carrying Trade,' to inflict injury
upon British Shipping, and to impair the relations and intercourse between the two
Countries, which have grown up under recent commercial arrangements, more espe-
cially when it is considered that other European flags are (under Treaties recently made
with them) free from the restrictions now imposed upon British Shipping,"—(*Mr.*
Graves,)—instead thereof

1760

Question proposed, "That the words proposed to be left out stand part
of the Question:"—After long debate, Amendment, by leave, *withdrawn*.
Main Question, "That Mr. Speaker do now leave the Chair," put, and
agreed to.

TABLE OF CONTENTS.

[June 14.]	<i>Page</i>
SUPPLY— <i>considered</i> in Committee.	
Committee report Progress ; to sit again upon <i>Monday</i> next.	
Mine Dues Bill [Bill 177]—	
Order read, for resuming Adjourned Debate on Question [12th June],	
“That the Bill be now read a second time :”—Question again proposed :	
—Debate <i>resumed</i>	1798
After short debate, Question put, and <i>agreed to</i> .	
Bill read a second time, and <i>committed</i> for <i>Wednesday</i> 26th June.	
Bank Notes (No. 2) Bill — <i>Ordered</i> (Sir John Lubbock, Mr. Bäckhouse, Mr. Muntz, Mr. Robert Fowler, Mr. Kinnaird) ; <i>presented</i> , and read the first time [Bill 196] ...	
	1798

LORDS, MONDAY, JUNE 17.

TREATY OF WASHINGTON—TRIBUNAL OF ARBITRATION (GENEVA)—PROCEEDINGS BEFORE THE ARBITRATORS—Questions, Lord Cairns ; Answers, Earl Granville	1799
Parliamentary and Municipal Elections Bill (No. 117)—	
<i>Moved</i> , “That the House do now resolve itself into Committee,”—(<i>The Lord President</i>)	1800
Amendment <i>moved</i> , to leave out (“now”) and insert (“this day six months,”)—(<i>The Lord Denman</i> .)	
After short debate, on Question, That (“now”) stand part of the Motion ?	
<i>Resolved</i> in the <i>Affirmative</i> :—House in Committee accordingly.	
Clause 1 (Nomination of candidates for Parliamentary Elections) ..	1801
Clause 2 (Poll at Election)	1802
Division Lists	1810 1822
<i>Offences at Elections.</i>	
Clause 3 (Offences in respect of nomination papers, ballot papers, and ballot boxes)	1824
Clause 4 (Infringement of secrecy)	1825
<i>Amendment of Law.</i>	
Clause 5 (Division of boroughs and counties into polling districts) ..	1827
Clause 6 (Use of school and public room for poll)	1829
Clauses 7 to 11, inclusive, <i>agreed to</i> .	
<i>Miscellaneous.</i>	
Clauses 12 to 15, inclusive, <i>agreed to</i> .	
<i>Application of Part of Act to Scotland.</i>	
Clause 16 (Alterations for application of Part I. to Scotland) ..	1843
Clauses 17 to 32, inclusive, <i>agreed to</i> .	
Clause 33 (Short title)	1843
FIRST SCHEDULE (<i>Rules for Parliamentary Elections</i>)	1845
SECOND, THIRD, FOURTH, FIFTH, SIXTH SCHEDULES <i>agreed to</i>	1847
The Report to be received on <i>Friday</i> next, and Bill to be <i>printed</i> , as amended. (No. 157.)	

COMMONS, MONDAY, JUNE 17.

REGISTRAR OF DEEDS, &C. (MIDDLESEX)—Question, Mr. Cubitt ; Answer, Mr. Bruce	1848
ARMY—MILITIA CAMP, APFLEBY—Questions, Mr. J. Lowther, Mr. Whitwell ; Answers, Sir Henry Storks	1849
EDUCATION—THE NEW CODE, 1871—EVENING SCHOOLS—Question, Mr. C. Dalrymple ; Answer, Mr. W. E. Forster	1850
WORKSHOP REGULATION ACT (1871)—Question, Mr. C. Dalrymple ; Answer, Mr. Bruce	1851

TABLE OF CONTENTS.

[June 17.]	Page
WATER SUPPLY (METROPOLIS)—VICTORIA PARK—Question, Mr. Holms; Answer, Mr. Ayrton ..	1852
POLICE SUPERANNUATION—Question, Mr. Eykyn; Answer, Mr. Bruce ..	1852
CUSTOMS' DEPARTMENT—OUT-DOOR OFFICERS—COMPETITIVE EXAMINATIONS—Question, Lord George Hamilton; Answer, Mr. Baxter ..	1853
PARLIAMENT—PRIVATE LEGISLATION—THE RESOLUTIONS—Question, Mr. Dodson; Answer, Mr. Chichester Fortescue ..	1853
CRIMINAL LAW—FREEMASONRY—CASE OF DAVID FARRELL—Question, Mr. O'Reilly; Answer, The Attorney General for Ireland ..	1854
CRIMINAL LAW—CASE OF JOHN RICHARD DYMOND—Question, Sir Stafford Northcote; Answer, The Lord Advocate ..	1855
INDIA—BANK OF BENGAL—DRAFTS ON LONDON—Question, Mr. Crawford; Answer, Mr. Grant Duff ..	1856
NAVY—THE "THALLIA" STORESHIP—Question, Mr. A. Guest; Answer, Mr. Goschen ..	1857
POST OFFICE—THE TELEGRAPH CLERKS—Question, Mr. Synan; Answer, Mr. Baxter ..	1857
TREATY OF WASHINGTON—"PROVISIONAL USE"—Question, Mr. Baillie Cochrane; Answer, Mr. Knatchbull-Hugessen ..	1858
INDIA—MISSION FROM TALIFOO—Question, Sir Stafford Northcote; Answer, Mr. Grant Duff ..	1859
WEIGHTS AND MEASURES (METRIC SYSTEM) ACT (1864)—Question, Mr. J. B. Smith; Answer, Mr. Chichester Fortescue ..	1859
IRELAND—GALWAY ELECTION PETITION—MR. JUSTICE KEOGH'S JUDGMENT—Questions, Mr. P. Smyth, Mr. O'Connor; Answers, The Marquess of Hartington, Mr. Gladstone, The Attorney General ..	1860
IRELAND—GALWAY ELECTION PETITION—OUTRAGES ON MR. JUSTICE KEOGH—Questions, Sir Robert Peel, Colonel Stuart Knox; Answers, Mr. Gladstone ..	1861
TREATY OF WASHINGTON—TRIBUNAL OF ARBITRATION (GENEVA)—PROCEEDINGS AT GENEVA—Questions, Mr. Bouverie, Lord Eustace Cecil; Answers, Mr. Gladstone ..	1862

SUPPLY—considered in Committee—CIVIL SERVICE ESTIMATES.

(In the Committee.)

- (1.) Motion made, and Question proposed, "That a sum, not exceeding £37,255, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1873, for Law Charges, and for the Salaries, Allowances, and Incidental Expenses, including Prosecutions relating to Coin, in the Department of the Solicitor for the Affairs of Her Majesty's Treasury" ... 1865
After short debate, Motion made, and Question proposed, "That a sum, not exceeding £34,755, &c.,"—(*Mr. West.*)—After further short debate, Question put, and *negatived*:—Original Question put, and *agreed to*.
- (2.) £150,623, to complete the sum for Criminal Prosecutions, &c.—After short debate, Vote *agreed to* ... 1868
- (3.) Motion made, and Question proposed, "That a sum, not exceeding £131,799, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1873, for such of the Salaries and Expenses of the Court of Chancery in England as are not charged on the Consolidated Fund" ... 1869
Motion made, and Question proposed, "That a sum, not exceeding £128,329, &c.,"—(*Mr. West.*)—After debate, Motion, by leave, *withdrawn*.
Original Question again proposed:—Motion made, and Question proposed, "That a sum, not exceeding £129,799, &c.,"—(*Mr. West.*)—After further short debate, Question put:—The Committee *divided*; Ayes 62, Noes 89; Majority 27.
Original Question put, and *agreed to*.
- (4.) £46,616, to complete the sum for the Common Law Courts.
- (5.) £29,318, to complete the sum for the Court of Bankruptcy.
- (6.) Motion made, and Question proposed, "That a sum, not exceeding £324,954, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1873, for the Salaries and Expenses of the County Courts" ... 187

TABLE OF CONTENTS.

[June 17.]

Page

SUPPLY—CIVIL SERVICE ESTIMATES—Committee—continued.

- Motion made, and Question proposed, "That a sum, not exceeding £315,794, &c.,"
—(*Mr. West.*)—After short debate, Motion, by leave, *withdrawn*:—Original Question
put, and *agreed to*.
- (7.) £68,460, to complete the sum for the Probate and Divorce and Matrimonial
Courts. ... 1881
- (8.) £9,938, to complete the sum for the Admiralty Court of Registry. ...
- (9.) £3,830, to complete the sum for the Land Registry.—After short debate, Vote
agreed to ... 1881
- (10.) £10,117, to complete the sum for the Police Courts (London and Sheerness).—After
short debate, Vote *agreed to* ... 1881
- (11.) £168,234, to complete the sum for the Metropolitan Police.—After short debate,
Vote *agreed to* ... 1881
- (12.) £289,500, to complete the sum for the County and Borough Police (Great Britain).
—After short debate, Vote *agreed to* ... 1883
- (13.) £336,595, to complete the sum for the Convict Establishments (England and
Colonies.) ...
- (14.) £252,220, to complete the sum for the County and Borough Prisons, &c. ...
- (15.) Motion made, and Question proposed, "That a sum, not exceeding £22,045 be
granted to Her Majesty, to complete the sum necessary to defray the Charge which
will come in course of payment during the year ending on the 31st day of March
1873, for the Maintenance of Criminal Lunatics in the Broadmoor Criminal Lunatic
Asylum, England" ... 1883
- Motion made, and Question proposed, "That a sum, not exceeding £6,500, &c.,"—(*Mr.*
Mitchell Henry.)—After debate, Motion, by leave, *withdrawn*:—Original Question
put, and *agreed to*.
- (16.) Motion made, and Question proposed, "That a sum, not exceeding £16,850, be
granted to Her Majesty, to complete the sum necessary to defray the Charge which
will come in course of payment during the year ending on the 31st day of March
1873, of Miscellaneous Legal Charges in England" ... 1894
- Motion made, and Question proposed, "That a sum, not exceeding £14,850, &c.,"—(*Mr.*
Neville-Grenville.)—After short debate, Question put, and *agreed to*.
- (17.) £53,858, to complete the sum for Criminal Proceedings, Scotland ... 1895
- Moved*, That the Item of £700, "to meet the expenses of Procurators Fiscal about to be
appointed," be omitted from the proposed Vote,—(*Mr. Muntz* :)—After short debate,
Amendment, by leave, *withdrawn*.—Vote *agreed to*.
- (18.) £42,121, to complete the sum for Law Courts, Scotland. ...
- (19.) £22,574, to complete the sum for the General Register House, Edinburgh.—After
short debate, Vote *agreed to* ... 1897
- (20.) £17,700, to complete the sum for Prisons (Scotland), &c. ...
- (21.) £58,411, to complete the sum for Criminal Prosecutions (Ireland). ...
- (22.) £33,525, to complete the sum for the Court of Chancery (Ireland). ...
- (23.) £20,812, to complete the sum for the Superior Courts of Common Law in Ireland. ...
- (24.) £6,350, to complete the sum for the Court of Bankruptcy and Insolvency in Ireland. ...
- (25.) £9,216, to complete the sum for the Landed Estates Court, Ireland. ...
- (26.) £8,643, to complete the sum for the Court of Probate in Ireland. ...
- (27.) £1,310, to complete the sum for the Admiralty Court of Registry, Ireland. ...
- (28.) £11,240, to complete the sum for the Office for the Registration of Deeds in Ireland. ...
- (29.) £2,227, to complete the sum for the Registration of Judgments, Ireland. ...
- (30.) £75,323, to complete the sum for the Police Courts, Dublin. ...
- (31.) £658,139, to complete the sum for the Constabulary Force, Ireland. ...
- (32.) £32,500, to complete the sum for Government Prisons, &c. Ireland. ...
- (33.) £45,855, to complete the sum for County and Borough Gaols, &c. Ireland. ...
- (34.) £4,073, to complete the sum for the Dundrum Criminal Lunatic Asylum, Ireland. ...
- (35.) £1,610, to complete the sum for the Four Courts Marshalsea, Dublin. ...
- (36.) £43,920, to complete the sum for Legal Expenses, Ireland. ...
- (37.) £45,568, to complete the sum for Salaries and Allowances of Governors, &c. in
certain Colonies.—After short debate, Vote *agreed to* ... 1899
- (38.) £2,976, to complete the sum for the Orange River Territory and Island of St. Helena. ...
- (39.) £79, to complete the sum for Mixed Commissions, Traffic in Slaves. ...
- (40.) £8,906, to complete the sum for Tonnage Bounties and Bounties on Slaves, &c.—
After short debate, Vote *agreed to* ... 1902
- (41.) £7,410, to complete the sum for the Emigration Board.—After short debate, Vote
agreed to ... 1902
- (42.) £4,500, to complete the sum for the Treasury Chest. ...

Resolutions to be reported *To-morrow*, at Two of the clock; Committee to
sit again upon *Wednesday*.

TABLE OF CONTENTS.

	<i>Page</i>
[June 17.]	
Customs and Inland Revenue Bill [Bill 106]—	
Bill, as amended, <i>considered</i>	1903
Amendments made :—Bill to be read the third time <i>To-morrow</i> , at Two of the clock.	
Admiralty and War Office Rebuilding Bill—Ordered (Mr. Ayrton, Mr. Baxter); presented, and read the first time [Bill 200]	1905
Victoria Park Bill—Ordered (Mr. Ayrton, Mr. William Henry Gladstone); presented, and read the first time [Bill 201]	1905
Drainage and Improvement of Lands (Ireland) Acts Amendment Bill—Ordered (Mr. Attorney General for Ireland, The Marquess of Hartington); presented, and read the first time [Bill 202]	1905
PAWNBROKERS BILL—	
Select Committee <i>nominated</i> :—List of the Committee	1905

LORDS, TUESDAY, JUNE 18.

Trusts of Benefices and Churches Bill (No. 151)—	
<i>Moved</i> , "That the Bill be now read 2 ^a ,"—(<i>The Lord Bishop of Carlisle</i>)	1906
Motion <i>agreed to</i> :—Bill read 2 ^a accordingly, and committed to a Committee of the Whole House on <i>Friday</i> next.	
ARMY — THE PURCHASE AND THE SCIENTIFIC CORPS — ADDRESS FOR A COMMISSION—	
<i>Moved</i> that an humble Address be presented to Her Majesty, praying that a Commission may be issued to inquire into the alleged injustice towards the captains of the late Purchase Corps occasioned by their proposed supersession by the first captains of the Scientific Corps; and further to inquire whether the intended advancement of the first captains of the Royal Artillery and Engineers to the rank of field officers would have the effect of removing the slowness of promotion in those corps, and as to the best means of remedying the same; and that in the meantime and until the report of the Commission the publication of the Royal Warrant on this subject be delayed,—(<i>The Lord Abinger</i>)	1906
After debate, on Question ? their Lordships <i>divided</i> ; Contents 42, Not-Contents 39; Majority 3 :—Motion <i>agreed to</i> .	
<i>Ordered</i> , That the said Address be presented to Her Majesty by the Lords with white staves.	

COMMONS, TUESDAY, JUNE 18.

IRELAND—MURDER OF MRS. NEILL AT RATHGAR—ALTAR DENUNCIATIONS—	
Question, Mr. Whalley; Answer, The Marquess of Hartington	1933
Education (Scotland) Bill [Bill 31]—	
Bill <i>considered</i> in Committee [<i>Progress 14th June</i>]	1934
Clause 65 (Conscience Clause).	
Committee report Progress; to sit again upon <i>Thursday</i> .	
It being now Seven of the clock, the House suspended its Sitting.	

The House resumed its Sitting at Nine of the clock.

BUSINESS OF THE HOUSE—(LORDS' BILLS)—RESOLUTION—

Moved, "That when any Bill shall be brought from the House of Lords the Questions 'That this Bill be now read a first time,' and 'That this Bill be printed,' shall be put by Mr. Speaker as soon as conveniently may be, and shall be decided without Amendment or Debate, and when any such Bill shall have remained upon the Table for twelve sitting days without any honourable Member proposing a day for the Second Reading thereof, such Bill shall not be proceeded with in the same Session,"—(*Mr. Monk*) 1948

[House counted out.]

TABLE OF CONTENTS.

COMMONS, WEDNESDAY, JUNE 19.		<i>Page</i>
PARLIAMENT — ORDER AND PRACTICE—COUNTS OUT—Observations, Mr. Newdegate, Mr. Speaker		1949
Public Prosecutors Bill [Bill 28]—		
Bill <i>considered</i> in Committee		1950
After some time spent therein, Bill <i>reported</i> ; to be <i>printed</i> , as amended [Bill 203]; <i>re-committed</i> for <i>Wednesday</i> 3rd July.		
Bastardy Laws Amendment Bill [Bill 109]—		
<i>Moved</i> , "That the Bill be now read a second time,"—(<i>Mr. Charley</i>) ..		1972
After short debate, Motion <i>agreed to</i> :—Bill read a second time, and <i>committed</i> for <i>Friday</i> 12th July.		
Imprisonment for Debt Abolition Bill [Bill 156]—		
<i>Moved</i> , "That the Bill be now read a second time,"—(<i>Mr. Bass</i>) ..		1977
Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months,"—(<i>Mr. Lopes</i> .)		
After short debate, Question put, "That the word 'now' stand part of the Question: "—The House <i>divided</i> ; Ayes 34, Noes 136; Majority 102:—Words <i>added</i> :—Main Question, as amended, put, and <i>agreed to</i> :—Bill <i>put off</i> for three months.		
GAME LAWS—		
<i>Instruction</i> to the Select Committee on the Game Laws, to inquire into the Laws for the protection of deer in Scotland, with reference to their general bearing upon the interest of the community,—(<i>Mr. Hunt</i> .)		
LORDS, THURSDAY, JUNE 20.		
Infant Life Protection Bill—		
Read 2 ^a (according to order), and <i>referred</i> to a Select Committee.		
And, on Friday, June 21, Committee <i>nominated</i> :—List of the Committee ..		1984
Their Lordships met;—and having gone through the Business on the Paper, without debate—		[House adjourned]
COMMONS, THURSDAY, JUNE 20.		
IRELAND—MURDER OF MRS. NEILL AT RATHGAR—Question, Observations, Colonel Taylor; Reply, The Attorney General for Ireland ..		1984
TREATY OF WASHINGTON—RELATIONS WITH THE UNITED STATES—Question, Mr. Osborne; Answer, Mr. Disraeli ..		1985
ORDNANCE SURVEY—THE 25-INCH SCALE—Question, Mr. Welby; Answer, Mr. Ayrton ..		1986
IRELAND—GALWAY ELECTION PETITION—THE JUDGMENT AND EVIDENCE—Question, The O'Donoghue; Answer, Mr. Gladstone ..		1987
TREATY OF WASHINGTON—DOMINION OF CANADA—Questions, Mr. Gregory, Mr. Spencer Walpole, Mr. R. Torrens; Answers, Mr. Gladstone ..		1987
FOREIGN AFFAIRS—THE PERSIAN MISSION—Question, Mr. Eastwick; Answer Viscount Enfield ..		1989
BRITISH GUIANA—EMIGRATION—Question, Sir Charles Wingfield; Answer, Mr. Knatchbull-Hugessen ..		1990
NAVY—CHANNEL SQUADRON—Question, Mr. Liddell; Answer Mr. Goschen ..		1990
METROPOLIS—STORAGE OF PETROLEUM—Question, Colonel Beresford; Answer, Dr. Brewer ..		1991
EDUCATION (SCOTLAND) BILL—SCHOOLMASTERS—Question, Dr. Lyon Playfair; Answer, The Lord Advocate ..		1992
PARLIAMENT — COUNTS OUT — Question, Observations, Mr. Newdegate; Reply, The Chancellor of the Exchequer ..		1992
ARMY—CONTROL DEPARTMENT—Question, Observations, Major Arbuthnot; Reply, Mr. Cardwell ..		1993

TABLE OF CONTENTS.

[June 20.]	<i>Page</i>
ARMY—THE VOLUNTEERS—Question, Mr. Norwood; Answer, Mr. Cardwell	1994
ARMY—FIRST-CAPTAINS IN THE SCIENTIFIC CORPS—Question, Sir Colman O'Loughlen; Answer, Mr. Cardwell	1994
IRELAND—GALWAY ELECTION PETITION—JUDGMENT OF MR. JUSTICE KEOGH—Question, The O'Donoghue; Answer, The Attorney General for Ireland	1995
FRANCE—DEPORTATION OF POLITICAL PRISONERS—Question, Mr. Otway; Answer, Viscount Enfield	1995
Education (Scotland) Bill [Bill 31]—	
Bill <i>considered</i> in Committee. [<i>Progress 18th June.</i>]	
VI.—MISCELLANEOUS—INSPECTION—CONSCIENCE CLAUSE— COMPULSION, &c.	
Clause 66 (School boards to provide elementary education for poor children)	1996
Clause 67 (Parents to provide elementary education for their children)	2001
Clause 68 (Defaulting parents may be proceeded against) ..	2004
Clause 69 (Method of Procedure) <i>agreed to.</i>	
Clause 70 (Employers of children to act as parents. Parents not exempted from liability)	2011
Clause 71 (Exemptions)	2013
Clause 72 (Clerks of criminal courts to be furnished with list of defaulting parents)	2019
Clause 73 (Children bound to attend school)	2020
Clause 74 <i>negatived.</i>	
Clause 75 <i>agreed to.</i>	
Clause 76 (Teachers appointed under the Act not subject to provisions of 9 & 10 Vict., c. cccxvi)	2022
Clause 77 (Repeal of Acts at variance with this Act)	2022
Clause 78 <i>agreed to.</i>	
<i>Postponed Clauses.</i>	
Clause 2 (Expenses of Scotch Education Department) <i>negatived</i> ..	2025
Clause 3 (Department may employ officers in Scotland) ..	2025
New Clause (Appointment of organizing Commissioners in Scotland to act for three years)	2026
Schedules A, B, and C <i>agreed to.</i>	
Bill <i>reported</i> ; <i>re-committed</i> in respect of a New Clause (Expenses of Scotch Education Department), for <i>To-morrow</i> , at Two of the clock.	
MONASTIC AND CONVENTUAL INSTITUTIONS COMMISSION BILL—RIGHTS OF PRIVATE MEMBERS—	
<i>Moved</i> , "That the Order for reading the Bill a second time <i>To-morrow</i> be postponed till Tuesday next, at Two of the clock,"—(<i>Mr. Newdegate</i>)	2030
Question put:—The House <i>divided</i> ; Ayes 3, Noes 13; Majority 10.	

LORDS.

SAT FIRST.

TUESDAY, JUNE 4, 1872.

The Marquess of Ailsa, after the Death of his Father.

THURSDAY, JUNE 13.

The Duke of Bedford, after the Death of his Uncle.

The Earl of Aberdeen, after the Death of his Brother.

COMMONS.

NEW WRITS ISSUED.

MONDAY, MAY 27, 1872.

For *Mallow, v. George Waters*, esquire, Chairman of the Quarter Sessions of the County of Waterford.

TUESDAY, MAY 28.

For *Oldham, v. John Platt*, esquire, deceased.

WEDNESDAY, JUNE 12.

For *Bedford County, v. Francis Charles Hastings Russell*, esquire, now Duke of Bedford.

NEW MEMBERS SWORN.

TUESDAY, JUNE 6, 1872.

Oldham—John Morgan Cobbett, esquire.

FRIDAY, JUNE 14.

Mallow—William Felix Munster, esquire.

MONDAY, JUNE 17.

Galway County—Hon. William le Poer Trench.

HANSARD'S PARLIAMENTARY DEBATES,

IN THE

FOURTH SESSION OF THE TWENTIETH PARLIAMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN AND IRELAND,
APPOINTED TO MEET 10 DECEMBER, 1868, AND THENCE
CONTINUED TILL 6 FEBRUARY, 1872, IN THE THIRTY-
FIFTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN VICTORIA.

THIRD VOLUME OF THE SESSION.

HOUSE OF COMMONS,

Wednesday, 1st May, 1872.

MINUTES.]—PUBLIC BILLS—*Second Reading*—
Women's Disabilities Removal [20], *put off*;
Reformatory and Industrial Schools (No. 2) •
[184].

Report of Select Committee—Municipal Corpora-
tions (Borough Funds). [No. 177.]

Report—Municipal Corporations (Borough
Funds) • [55-138].

WOMEN'S DISABILITIES REMOVAL
BILL.—[BILL 20.]

(*Mr. Jacob Bright, Mr. Eastwick, Dr. Lyon
Playfair.*)

SECOND READING.

Order for Second Reading read.

MR. JACOB BRIGHT: Sir, I rise
to move that the Bill be now read
a second time. The question of giving
the Parliamentary vote to women who
are owners and occupiers of property
has come before the House on three

previous occasions; on the second it re-
ceived much larger support than on the
first, and on the third more than on the
second. Last year 151 Members voted
in favour of the Bill, and the total num-
ber of Members in the present House of
Commons who have voted in favour of
the principle of the Bill is 202. Outside
there has been a corresponding growth
of public opinion in favour of the mea-
sure, which has been shown by the ex-
pansion of old and the formation of new
associations, by the resolutions of public
meetings in all large towns, and by the
increase in the number of Petitions pre-
sented to the House. Two years ago
the number of signatures attached to
the Petitions was 160,000; a year ago it
was 180,000; this year, according to the
last Return, the number has reached
243,000, and up to-day no doubt the
number will reach 250,000. I mention
these facts to show the steady rising and
somewhat rapid growth of opinion in
favour of the Bill. Although the ques-

VOL. CCXI. [THIRD SERIES.]

B

tion has been somewhat extensively discussed in this House, I cannot, of course, ask that the Bill be read a second time without offering some reasons for doing so; but I promise to be brief. Of course, everybody admits that in the abstract women have a right to vote. ["No, no!"] At all events, I can quote opinions to that effect given by the late Sir Robert Peel, the right hon. Gentleman the present Leader of the Opposition, the late Mr. Cobden, and many other distinguished men. Women have to obey laws, to suffer from the infraction of them, and to bear the burdens of the State in common with men. Every year we vote millions of money to maintain the Army, the Navy, our Courts of Justice, and the government of our colonial possessions. In support of all these, women contribute their full share. The Chancellor of the Exchequer makes distinctions between the rich and the poor in taxing the people. In the case of the income tax, for instance, the very poor pay none, and those who are less poor pay upon a diminished scale. But the Chancellor of the Exchequer makes no difference between men and women. I am aware, however, that Parliament never legislated to satisfy a theory, or to establish an abstract right, and therefore I must give other reasons in favour of this Bill. Among those reasons, I would say that whenever you remove disabilities from a portion of the people—I do not care what those disabilities may be—those in whose favour the change is made always stand higher in the estimation of the community than they stood before. Let women be consulted as men are consulted, in a constitutional manner, with regard to the laws which they are asked to obey, and from that moment they will have more self-respect and will command a greater degree of respect from men. Among the many very poor reasons which are urged against this Bill, is the statement that if women had the franchise that courtesy which is supposed to be universally extended to them by men would disappear; but it must be in the recollection of hon. Members, that in days gone by there were women in this country who returned Members to this House in their own right. Does anybody suppose that these privileged ladies were treated with less courtesy by those among whom they lived than their less privileged sisters?

Mr. Jacob Bright

Women may or may not have intellectual defects which do not belong to men, but they have at least the sagacity which has enabled them to discover that it is independence which commands courtesy, and not dependence; they have the knowledge which assures them that it is influence and not the absence of influence which obtains consideration, whether it be the influence of wealth, of rank, or of political power. We charge women with leading vain and frivolous lives, and then we endeavour by force of law to limit their fields of thought and of activity to a narrow sphere which we call their own. Give women the responsibility which comes with political influence, and you open up to them a larger life; you will find them with experience and knowledge they did not before possess, and which they would not otherwise have acquired; you will make them fitter companions for intelligent men; and I believe the result will be the attainment of a higher civilization. I may be told these are not very practical considerations, and that they should be addressed only to men who have generous thoughts and wide sympathies; but I have found in my experience of this House, that these mental qualities are as much possessed by men on both sides of this House as they can be in any Assembly in the world; and that being so, I have a right to appeal to them. I am aware, nevertheless, that both the House and the country will ultimately decide this question upon severe practical considerations, and therefore it is to the practical argument I will for a short time call the attention of the House. There have been within my lifetime, and probably within the lifetime of the majority in this House, two considerable extensions of the suffrage—that of 1832 and that of 1867. In 1832 the middle classes for the first time in recent years obtained political power, and they have employed that power for their own advantage, and, I believe, for the advantage of the country. They have been enabled to secure almost absolute free trade—the freedom of that by which they live. They have modified legislation in many ways. Look, for instance, at the position of Dissenters, who are in the main a middle-class body. When they obtained political power they were labouring under great disabilities. Civil and religious liberty was the watch-

word of almost every great statesman, and the result of their enfranchisement was, that they were put upon an equality with the rest of their countrymen. It has been the same with the working classes. In 1867 they acquired political power, and everyone knows what a change has come over the tone of the House in consequence. Had they not obtained the vote, it would have been impossible to have done justice to the cultivators of the soil in Ireland, or to have inaugurated a national system of education. Not only so, but we have commenced dealing with the truck system, and have come to regard trades unions as legitimate organizations. By the Ballot we are giving political independence to the humblest voter; and the Chancellor of the Exchequer never brings his Budget before the House without carefully balancing the interests of the country, and seeing that the working classes are treated as generously as any portion of the country. Now, women are said to be illogical; but the facts are against those who make the accusation. It is because women are logical that they ask for this Bill. They have noticed the result of the extension of the franchise in legislation with regard to every other portion of the people. They have found that the middle classes and the working classes have been consulted more assiduously, and are more respected throughout the community than they were before; and they believe, with a degree of reason which is unassailable, that the same results would follow if the franchise were extended to them. Have women any grievances to redress? Do they suffer from inequality of the laws? They believe, and many hon. Members in this House believe, that the legal inequalities from which women now suffer are far greater than those which were borne by the middle and working classes before they obtained political power. We should probably differ very much in this House, and in the country, as to the way in which these inequalities should be dealt with, but nobody will doubt their existence. Under the Elementary Education Act, I find that some of the boards, either on their own authority or with the sanction of the Educational Department, give three pennyworth of education to girls and four pennyworth to boys, a distinction which can be defended only on the ground that girls are more intel-

ligent than boys, and that it therefore takes less time to instruct them. Women also have just grounds for complaint that the educational endowments of the country are withheld from them, and that the Endowed Schools Act does not rectify the injustice. Last year I referred to the unequal contest going on between a few intellectual women and the authorities of Edinburgh University. These women have passed with honour every examination to which they have been submitted, but they are not allowed to complete their professional education. No institution which is not national should come to Parliament for funds to sustain it. The Edinburgh University comes to this House year after year, and sums of money are annually voted for its maintenance, and yet it shuts its door to one-half of the community. I know of nothing more scandalous than the fact that every woman in Edinburgh is taxed for the maintenance of this University, and not one of them can partake of its advantages. I will not refer to the inequality of the divorce laws, beyond saying that last year the Prime Minister, in speaking upon this subject, expressed in eloquent terms his objection to the state of the law. With regard to the rights of property, it is well known that a woman's property is still confiscated by her marriage. To illustrate the hardship of the law, I may mention the recent case of Mrs. Shillito, who had £500 in the bank when she married. Her husband soon died, and the money was confiscated to pay the creditors of her husband, the principal of whom were his father and brother, for debts contracted before the marriage. The result was, the widow was left penniless. Let it be remembered that while the husband takes everything the wife has which is not settled on her, he is in no wise liable for a farthing of her debts. I have been told by wholesale traders in Manchester, who deal with thousands of shopkeepers all over the country, that it is difficult for them to give credit to any single woman, because she may at any time marry, and the result would be that the husband would become possessed of all she had without being responsible for her debts. The hon. Member for Coventry (Mr. Staveley Hill) has introduced a Bill dealing with this peculiarity; but I hope the House will not accept that Bill, be-

cause it proposes a retrograde step, and will never settle the question satisfactorily. With regard to the possession of children, at present the right of the father is absolute—the right of the mother is absolutely nothing. Will anyone say that is a just arrangement? Surely the natural tie between the mother and the child is as strong as that between the father and the child. Look at the original anxiety and suffering of the mother in regard to her child; consider the incessant watching by day and night which falls upon her, and then imagine that at the age of seven she ceases to have any right of control over that child. There are numberless cases in which mothers are threatened with the loss of their children, if they do this, or refuse to do the other. But there is a stronger case still in the position of the widow having children. If there are those who believe that the father's rights should be absolute when living, surely there are none who think the mother should have no rights when the father is dead. I remember reading a speech by Mrs. Crawshay, of Merthyr, upon this point, wherein she declared it to be the hardest of all existing laws that the mother is not held to be the natural guardian of her children upon her husband's death. Nothing in the world can be harder than that. A woman may find when her husband is dead that a stranger may step in, and be able to dictate what religion her children should be taught, and even to separate them from her altogether. I could give instances of this kind which have lately been reported in the public Press, but I will be satisfied with that general statement, lest I should occupy too much the time of the House. Perhaps I shall be told that most of these hardships come from the common law, and have been of long duration. That is, I suppose, true; but it is not true that recent legislation has been more agreeable to women, or more in accordance with their sense of justice, and as it is my duty to make a practical case, showing the necessity for political protection, I am obliged to go for a moment into that recent legislation. Knowing what I know of the opinions of this House and of the other House of Parliament—for we have all of us the means of ascertaining the sentiments which prevail in the other Chamber—I am

Mr. Jacob Bright

justified in saying that there is nothing at this moment but the consciences of women standing between this country and a gigantic system of prostitution supported and controlled by the State. So far is this system established by law, so deep is the root it has already taken among us, that prostitutes, in their legalized corporate capacity, have begun to petition this House, and to ask for a special Vote on account of their peculiar position; and the supporters of the system have been so unwise as to ask that these Petitions should be read at the Table. Women believe that this system of legislation has inflicted a supreme degradation upon their sex. Our soldiers and sailors are not the most sensitive, delicate, or fastidious, even among the humbler portion of our people; yet, when this system was applied to them by medical officers, there was a general revolt against it; the men declared it humiliating and degrading to them; and it was singular that Parliament could hold that that which was degrading and humiliating to men could in any sense be morally elevating to women. The Royal Commission has declared against that legislation; there have been innumerable Petitions against it, with as many as 500,000 signatures in one year; the Money Vote which it required was carried by a narrow majority of Government officials; and still apparently the system is to be continued. Having no part in the election of Members of Parliament, women have failed to exert their full influence upon the question. I am aware that what appears to have been an attempt to abolish the system has been made by the Government, but their Bill has in it the objectionable principle of the existing Acts. It is also full of injustice to women, and is characterized by all the harshness and cruelty of Puritan legislation, without the excuse of Puritan belief or of Puritan morals, either on the part of the Cabinet which introduced it or of the age in which we live. The legislation to which I have been referring has given an impulse to the movement in favour of women's suffrage greater than it has received from any other cause. Four years ago I attended a public meeting at Manchester, at which for the first time women advocated their claims to the Parliamentary vote, and at the present hour I could name at least 40

women, some of them ladies of rank, many of them ladies of wealth and position, and all women of character, who are engaged in the public advocacy of the suffrage question. Last year, when I brought forward this question, I had two principal opponents, the right hon. Member for Kilmarnock (Mr. Bouverie) and the hon. and learned Member for Taunton (Mr. James). One of these hon. Gentlemen possessed the largest experience in this House, and both were men of acknowledged ability. If I am to have opponents on this question, I consider it a privilege to have able opponents, because if the Bill I advocate is untenable — if it cannot pass, the more able the opponents the sooner it will be removed from the arena of the House of Commons; and if, on the other hand, the Bill is a just Bill, and the claim such as cannot be resisted, no amount of ability will long obstruct its course. These two hon. Gentlemen exercised all their ingenuity—they employed all their eloquence and powers of persuasion to induce the House to treat this Bill with disregard. They had an advantage which is never possessed by the Mover and Seconder of the Bill, because they spoke to a full House and to those who would decide the question. But the result of their opposition was, that a considerably larger number than before followed us into the Lobby, and included in that number were men of the very highest political influence. The right hon. Member for Kilmarnock took what I thought a peculiar line of argument. He seemed to treat women-voters as a revolutionary class. He gathered together from all quarters materials to support his views, and attributing fantastic notions to women, described them as dangerous to the Constitution. The hon. and learned Member for Taunton took an opposite line. His argument was founded chiefly on the incapacity of women, and he said women would be led by the clergy and others, so that they could never be trusted to act independently. These two arguments could not be both true. One was clearly destructive of the other; and if I might offer advice to my opponents, I would say that they would succeed better in opposing this Bill if they would compare notes before they came into the House, and not offer arguments which were mutually destructive. The hon. and learned Member for Taunton said

that women were more impulsive and less logical than men. I have heard it said that the Scotch are less impulsive and more logical than the Irish, but surely that would not be a good reason for disfranchising the Irish people. Again, the negroes of the United States are more impulsive and less logical than the white population of America, but their enfranchisement is an absolute guarantee for justice, and secures the peace of the country. I will not enter upon a discussion of the mental differences between men and women. If their minds are alike, I suppose my hon. Friends will not object to give them votes; if there are mental differences between the sexes, I deny that this can be a fairly representative House unless it represents those differences. If, however, it be true that men have some advantage over women mentally, is there nothing to place on the other side of the account? Have not women more control over their passions? Do they not lead more regular lives? Are they not more sober? In the long catalogue of crime is there a single offence in which the male criminal does not greatly outnumber the female, notwithstanding the acknowledged fact that women have a closer acquaintance with poverty than men, and that in the struggle for bread they are more likely to be trodden down by the competitive crowd? If it be true that women want that self-guidance which it is supposed men possess, it is a profound misfortune, because, as the Prime Minister has said, there is a greater number of them every year who are obliged to seek an independent existence, and it has rarely happened that women have to obtain their bread without having to maintain others who are dependent upon them. In asking that women may be allowed to perform the humble function of giving a vote at the poll, it should not be forgotten that they are to be found at the head of important institutions; that they administer large fortunes as wisely as men; that they are every year occupying a higher place in art and literature, and that the most exalted political positions to which human beings can attain have from the earliest times being held by women with credit to themselves and advantage to the people. I have been told that women understand nothing of military matters, of law, and of diplomacy, and therefore they are not fit for

the suffrage. I do not know whether this means that we have too few soldiers, lawyers, and diplomatists in this House. If all those electors who know nothing of law, of military matters, and of diplomacy were eliminated from the constituencies, the electing body would become so small that it might be abolished altogether. When you give votes to men, you do so in order that they may protect themselves against unjust laws. Now, are there no laws on the statute book, and no Bills before this House which women can understand? Half-a-score of Bills, which I could name, are at present before the House, dealing directly with women and children, and with which men have little to do. There is that Bill to which I have referred—described by the Government, I should suppose, in a spirit of irony—a Bill for the Better Protection of Women. There is a Bill also on the same subject by the hon. Member for Salford (Mr. Charley)—a Bill that is believed by those out-of-doors to have a much more honest character, and a Bill by the same hon. Member for the protection of infants. The hon. Member for Coventry, as I have already stated, has a Bill before the House with regard to the property of women, and another hon. Member has a Bill with regard to the law of marriage. The hon. Member for Cambridge (Mr. W. Fowler) has a Bill to repeal the Contagious Diseases Acts, and a Bill dealing with the custody of children. When I ask that women should have votes, I do so in order that they may give this House the capacity to legislate justly for the country upon matters in which they are peculiarly interested, because I believe no Parliament in the world has the capacity to legislate justly unless it is controlled to some extent by those for whom it legislates. Unless better reasons can be given for rejecting this Bill than have hitherto been given, I think I may express the hope that the House will read it a second time to-day. It is a rare thing for any Bill in the position of this to be rejected by the House. Let me state what I mean. In the first place, it is not a party question. It has been largely supported by both sides of this House. Last year—I do not know the exact numbers, but I believe that 100 Members on this side of the House voted for the Bill, and 50 Members on the opposite side. The measure cannot, therefore, be regarded as in any

sense a party measure. We counted among our supporters influential occupants of the two front benches. There are only two Members in the House who have attained to the exalted political rank of Prime Minister. The right hon. Member for Buckinghamshire (Mr. Disraeli) voted for the Bill last year, and has made on more than one occasion public statements upon the subject which have had more influence than he is aware of in stimulating the agitation in favour of this Bill. In one speech the right hon. Gentleman said—

“I say that in a country governed by a woman—where you allow women to form part of the estate of the Realm—Peersesses in their own right, for example; where you allow a woman not only to hold land, but to be a lady of the manor and hold legal courts; where a woman by law, may be a churchwarden and overseer of the poor—I do not see, where she has so much to do with the State and Church, on what reasons, if you come to right, she has not a right to vote.”

That is the opinion of the ex-Prime Minister. What is the opinion of the present First Lord of the Treasury? Last year he made what I thought a just and generous speech in defence of the principle of this Bill. He did not vote for the Bill, but he made a speech which if it did not compel him to vote for the Bill, at least would have enabled him to do so. And, in conclusion, he said—

“If it should hereafter be found possible to arrive at a safe and well-adjusted alteration of the law as to political power, the man who shall attain that object, and who shall see his purpose carried onward to its legitimate consequences in a more just arrangement of the provisions of other laws bearing upon the condition and welfare of women, will, in my opinion, be a real benefactor to his country.—[*3 Hansard, cavi. 95.*]

If anyone desired to bring about a well-adjusted alteration of the law, so as to give women some share of political power, I venture to think he would take the course which I am taking. He would find that women who are householders and heads of families possess already every local vote, and he would propose to give to this class the Parliamentary vote. They have the local votes, because they have the qualification fixed by Parliament; and having also the qualification which gives men the Parliamentary vote, it would seem as if this should decide our course in any readjustment of the law. The right hon. Gentleman the Prime Minister has spoken of the difficulties in his path; but I think his chief, if not his only difficulty is the inconvenience women

Mr. Jacob Bright

would experience by personally recording their votes at the poll. I have read the accounts of meetings that have taken place in various parts of the country, and I give the answer to that difficulty, which has come from the lips of women. They say—"We readily accept inconvenience in order to avoid injustice." When the right hon. Gentleman speaks of the inconvenience of personal attendance at the poll, I think he must have referred to the dainty and delicate ladies of the London drawing-rooms, rather than to the women of the whole country, the great majority of whom in their ordinary avocations submit to inconveniences every week in their lives far heavier than that of going once in four or five years to cast a vote at the poll. The Ballot too, I suppose, will make some difference in this. Some believe we shall have the Ballot this year; and when we have the Ballot we shall find the polling day will be one of melancholy quiet. But I think there is an argument arising from the Ballot which ought to be alluded to when dealing with this question. The hon. Member for Brighton (Mr. Fawcett), a few nights ago, in an argument in favour of household suffrage in the counties, stated that nobody henceforth would hold any votes in trust, and just as no one will hold votes in trust for the unenfranchised in counties, so no one will hold votes in trust for women. You will have something like 2,000,000 of men voting in the dark and not a single woman, and there will not be a woman in the country who will know anything as to how those votes are given. I venture to say that will be found to be an intolerable state of things, and the claim of women to have votes in their own right will be greatly strengthened by this change. I must just refer to a question which has been more or less referred to on previous occasions, and which I believe will influence some votes in this House. I have been told that the Bill would give votes to married women. Well, my object was to give votes in accordance with precedent, to women who were owners and occupiers of property. I confess I did not know whether or not married women would be competent to vote if they had the qualifications, but my attention has been called to the fact that the question has been mooted in Sunderland by way of objection to the votes of some married women whose names were on the municipal

register, and who voted in their maiden names. The election was a very close one, and therefore those against whom they voted, and who lost the day, were very anxious to set aside the votes. The question, as I understand it, was decided in the Court of Queen's Bench against the married women, and it was held that the circumstance of their having married disqualified them. That being so, this objection to my Bill, that it would give married women votes, will be set at rest. But then there remains the counter-charge. There are some who complain that the Bill does not enfranchise married women, but I believe only the opponents of the Bill make that complaint. The right hon. Member for Kilmarnock has been reported to have said, when addressing his constituents, that this Bill would enfranchise only "the failures" of the sex. If it be true that the Baroness Burdett Coutts, Miss Nightingale, Miss Martineau, Miss Carpenter, Miss Cobbe, and other distinguished ladies whom I could name—if it be true that widows, the mothers of families whose husbands are dead, are the failures of their sex—then I admit my Bill enfranchises failures. But if this objection be sincere, how is it none of those who advance it bring in Bills to enfranchise married women? In bringing in this Bill I am standing on the ancient lines of the Constitution; I am asking that those who have the local vote should have the Parliamentary vote also. The common law prevents married women from voting. When a woman marries she loses her name, her freedom, her individuality, her property, her vote. Surely it is not for me, in my endeavours to give votes to the owners and occupiers of property, to run my head against the common law, in regard to the changes which come about in the case of a woman who marries. It is enough for me to assert that every house shall have a vote in accordance with the principle laid down by that great Act passed in the year 1867—the Household Suffrage Act. I have referred to a striking case which was discussed at the British Association in Edinburgh, of interference with the industrial liberty of women. I am afraid that is a sample of too many of the difficulties against which women have to contend. It is impossible, however, for us to abolish local legislation such as that. We cannot put down the tyranny of ignorant

and narrow-minded men; but it is in our power to give a simple and complete remedy for Imperial injustice. Give to women the power which has now been almost universally extended to men of exercising control in the election of Members of Parliament, and every legislative injustice of which they complain will gradually but surely disappear. The hon. Gentleman concluded by moving the second reading of the Bill.

MR. EASTWICK said, he trusted that this important question would be debated fairly and dispassionately, and that the opponents of the Bill would for once refrain from imputing to its supporters aims and intentions which they utterly disclaimed, and which, so far from having any real existence, were the mere phantoms of imaginations heated by prejudice. He hoped, too, that hon. Members who opposed them would no longer insist upon arguing from contradictory premises, nor affect to know more of the character, the duties, and the aspirations of women than women themselves, and that under pretence of befriending and protecting the sex they would not persist in denying to them the means of self-defence. He felt justified in making these remarks by the character of the debate last year, for all the faults of argument of which he complained were to be found in the speeches of the opponents of the Bill in that debate. Taking the speech which was most applauded last year—that of the hon. and learned Member for Taunton—and certainly, if vehemence and reckless assertion were a recommendation it was entitled to that distinction—he would show how his remarks applied to that speech. He had taken down *seriatim*, as briefly as possible, the arguments used by the hon. and learned Gentleman, and he proposed now to examine them, and in so doing to dispose of the stock arguments against the Bill. The hon. and learned Member's first point had reference to law, and there, if anywhere, he might be expected to be strong. He said—

"Under the very terms of this measure every married woman who procures herself to be rated would be entitled to a vote equally with the unmarried."—[3 *Hansard*, civi. 108.]

The process of procuring herself to be rated by a married woman was not described, and for his part he must confess he was curious to hear it, and hoped

Mr. Jacob Bright

they would be enlightened on the subject. But here was the hon. and learned Gentleman's opinion on a point of law, and it turned out to be utterly valueless, for the Judges had decided in the case of the Sunderland municipal female voters, reported in *The Times* of the 23rd January last, that a woman who had been entitled to the municipal vote for the whole year just previous to an election lost that vote if she married before the election, and that a married woman separated from her husband, and carrying on a separate business in a separate house, who would have been entitled to the municipal vote had she been single, was not so entitled because of her marriage, the husband and wife being regarded by our law as one, and the legal existence of the wife being merged in that of her husband. All, therefore, that a married woman would get by following the hon. and learned Member's advice would be to be rated by her husband instead of being rated by the Returning Officer. But further on in his speech this very proposition was refuted by another, for the hon. and learned Gentleman said—

"If I thought the majority of English women desired this measure to become law, I should hesitate before I combated their wishes; but I say emphatically they do not. . . . A few restless, itinerant ladies—my Lady A. here, Miss B. there—pass from town to town, . . . and I never find that any woman, except these well-seasoned lecturers, rises to take a part of these political displays."—[*Ibid.* 112-13.]

Here was the hon. and learned Gentleman knowing more about women than women themselves. But, to let that pass, if all women, married and single, were so utterly indifferent about the franchise, was it not absurd to say that the married would volunteer to bear the expense of being rated, and would incur the risk of a quarrel with their husbands besides, in order to get the suffrage, which they did not value the least? The hon. and learned Gentleman had pitched his prelude in a high key, but he soon rose to a far higher, for he went on to say that—

"The natural consequences of this measure, to be gathered from its terms and from the clearly expressed hopes and intentions of its supporters, are that any women, either married or single, may be returned to this House; to balance the Constitution they must be allowed to sit in the House of Lords—and I presume to occupy seats on the Episcopal Bench."—[*Ibid.* 108.]

What! the same languid indifferent women that no practised lecturer could

warm into taking any interest on the question of the franchise were to be suddenly changed into a band of frantic Mænades, to carry that House by storm, scramble over it into the House of Lords, and, not satisfied even with that, rush onward, still shouting "Excelsior!" and topple the very Bishops from their seats! That was a striking picture, very sensational indeed, and if it had been drawn by the friendly, bantering pencil of the hon. Member for Cork (Mr. Maguire), he could have understood it and smiled. But when it was seriously presented there as an argument in a grave debate of that House, and was pointed and intensified by an illusion in another speech during the same debate to the Sixth Satire of Juvenal, then he indignantly repelled and denounced it as a calumny on the women of England, which ought never to have been uttered. The gist of these descriptions and allusions was to imply that women would overstep the bounds of decorum if it were not for the restraints put upon them by men, and this he flatly denied. The great body of Christian women in this country were a law to themselves, and needed no such restraint. As to this particular measure he thought he might fairly put his experience against that of the hon. and learned Member, for he was sure he had attended more meetings of its supporters and given more time and attention to it than he had, and he maintained that while its supporters had shown a fixed determination to go through with it, they had also shown the greatest moderation. There had been no indecorous excitement, no intolerance of opposite opinions, no exaggerated pretensions, nothing, in short, to deserve the sarcasms of the hon. and learned Member for Taunton, and of the right hon. Gentleman the Member for Kilmarnock (Mr. Bouverie). But the next argument on which he had to comment was that—"Property is made a qualification, because it has been held to indicate capacity and fitness for the franchise in the holder—and he holds that women do not possess that fitness, because their excess of sympathy shuts out from their mind logical power and judicial impartiality." But *Blackstone* said, in Book I., 170,—

"The true reason of requiring any qualification with regard to property, in voters, is to exclude such persons as are in so mean a situation that they are esteemed to have no will of their own. If these persons had votes, they would be tempted to dis-

pose of them under some undue influence or other. This would give a great, an artful, or a wealthy man, a larger share in elections than is consistent with general liberty. If it were probable that every man would give his vote freely and without influence of any kind, then, upon the true theory and genuine principles of liberty, every member of the community, however poor should have a vote in electing those delegates to whose charge is committed the disposal of his property his liberty, and his life. But since that can hardly be expected in persons of indigent fortunes, or such as are under the immediate dominion of others, all popular States have been obliged to establish certain qualifications; whereby some who are suspected to have no will of their own, are excluded from voting, in order to set other individuals whose wills may be supposed independent more thoroughly upon a level with each other."

Well, he preferred the authority of *Blackstone*; but was it endurable that the hon. and learned Member should talk in this stilted style about the logical power, forsooth, and judicial impartiality necessary for giving a vote at an election, knowing as he did very well how such votes were usually given? This was the very fiend's arch-mock. You might as well "lip a wanton and suppose her chaste" as go through the mud of an election and then talk of it in those high-flown terms. There was no want of the logical faculty in women, and it only wanted cultivation to be equal to that of men. The next argument was thus expressed—"In this House we discuss matters connected with the Army and Navy, with commerce, diplomacy, and law. Women can have no direct knowledge of these subjects." But were these all the matters that engaged the attention of that House? Were there no financial questions, no social questions, no religious questions discussed there? Under which of his five heads did the hon. and learned Member rank the questions of education, of the adulteration of food, of conventual institutions, of hospitals and charities? It was a farce to say that women knew nothing of these subjects, that their minds were a perfect blank, and their opinions of no value with respect to a multitude of other matters brought before that House, such as infant life protection, marriage with a deceased wife's sister, or the law of marriage generally. The hon. and learned Member asked—"How will you check the influence of the priest, the clergyman, and the well-selected canvasser upon women?" Yes, let him tell them how to check that influence upon men,

and then they would tell him how to check it upon women. He would now turn for a moment to the speeches of the right hon. Gentleman the Member for Kilmarnock (Mr. Bouverie), and of the Premier, delivered last year. The right hon. Gentleman, who was to move the Amendment, read an extract last year from an American paper, which stated—

"I am afraid it must be confessed that the Woman Suffrage Movement in the United States is pretty well played out. It has become unmistakably evident of late that the women of the country do not want the suffrage."—[*3 Hansard, covi. 81.*]

And then he went on to show how in Illinois 1,400 women petitioned not to be allowed to vote; how in Massachusetts the Constitution would have been altered to give women votes but for the women themselves; how in Minnesota the Governor had vetoed a Woman's Suffrage Bill which had passed the Legislature because he was satisfied women would be annoyed to have the vote given them; and, lastly, how in Utah the women had the franchise but refused to go to the poll. Well, could anything be more damaging to the right hon. Gentleman's argument than those quotations? It was clear from them that in the United States women might have the franchise if they wished for it. In Utah they actually had it, but it was no wonder that ladies who could content themselves with the fortieth part of a husband should not be anxious to have a whole vote to themselves. In other places they might have it if they liked, but they did not desire it, and the reasons were plain. In the first place, who would set store on a suffrage to be shared, he would not say by the heathen Chinese, for he might be an honest fellow, but with every vagabond who had reached his twenty-first year? The truth was the suffrage in the States was so common that it was not worth having, and was so corruptly dealt with that no woman would touch it. The women of the States knew very well that what was wanted under their government was a retrenchment, not an extension of the franchise. They knew, too, that in their country it could not be given in the moderate form it was asked for, and would be given here. If given at all, it must be a universal womanhood suffrage, including married and single women alike; and if voting was already a nuisance in the States, owing to the number of voters,

Mr. Eastwick

it would become perfectly intolerable if 10,000,000 or 12,000,000 women were all at once to be added to the list. But, above all, it must be remembered that the position of women in the States was incomparably better than that of women here, and that they had really little or nothing to gain by acquiring the suffrage. Two-thirds of the whole education of the people was in their hands. He saw proof of that when he visited the Normal School at New York, where no less than 1,200 young ladies were being trained as teachers. The business of the Treasury was in great part conducted by ladies. 700 performed the work of that principal office of State at Washington, and performed it with an amount of skill, method, and regularity which entirely disproved the statements of the right hon. Gentleman's American correspondent as to the unbusiness-like habits of women. The telegraphic offices in the States were full of women, who did their work as well as, or better than, men. In short, there was no employment in the States that women desired from which they were excluded. How should they compare the social position occupied by women in the States with that held by those in this country, or their personal security there with the miserable state of things in this country? A woman might go anywhere in the United States and be sure of being treated with respect. She enjoyed absolute security from the brutal violence of husbands and others. He held in his hands half-a-dozen slips lately cut from *The Times* recording brutal assaults, and even murder, perpetrated on wives and mothers, which have been punished only with short terms of imprisonment, such as were inflicted for cruelty to animals. From these reports it was evident that a man might in England gouge out his wife's eye, or throw her under a waggon, and so crush the life out of her, for a short incarceration. The right hon. Gentleman the Member for Kilmarnock referred them to the Sixth Satire of Juvenal. He would refer the right hon. Gentleman to our own inimitable satirist, in whose publication of last week he would see a just satire on the odious indifference shown to the safety of women in this country. If the assault of which he had the reports had been committed in the United States the neighbours of the ruffians who perpetrated them would have anticipated the proceedings of the

judge, and would have saved him all trouble in the matter. But he would now turn for a moment to the speech of the Premier, who referred to Italy. Article 15 of the Electoral Law of that country says—

"The direct taxes paid by a widow, or a wife separated from her husband, shall be reckoned in the electoral census in favour of that son or son-in-law of the first or second degree whom she may select."

This was repeated in Article 22 of the communal and provincial law. It was quite clear, therefore, that single women in Italy, if they had a property qualification, possessed an indirect vote. But he laid no great stress upon that. If it were right to give the suffrage to women in England let it be given, whatever might be the condition of things in other countries. Before concluding he wished to state what he conceived to be the case for woman's suffrage in England, divested of all that mountain of misrepresentation which the opponents of the Bill would heap upon it. There were 11,189,657 males in England and Wales, represented by 1,250,019 voters in boroughs and cities, and 801,109 voters in counties; in all, 2,051,128. There were 11,663,705 females represented by 108,838 municipal voters. What was asked was that these females who had the municipal vote should have the Parliamentary vote also. As far as he was concerned there was no stress laid upon the lodger franchise for women; but if it were given it would add only a thousand or two voters, for there were but 5,257 men who had the lodger franchise, and it would hardly be said that there would be anything like that number of women. He was not aware of any statistics showing the number of females who would be qualified to vote for counties; but, taking it at the proportion of females to males who had the municipal vote, there would be altogether in round numbers about 170,000 females who would obtain the franchise by this Bill. Thus, there would be 1 male in every 6 possessed of the right to vote, and 1 woman in every 60. Except in giving women a small amount of influence in questions which had a direct interest for them, this measure would invest them with no political power at all. On the other hand, it would certainly relieve them of great difficulties in renting and retaining farms and houses, and other disadvantages in busi-

ness matters, and it would remove from them an intolerable stigma as if they were creatures of an inferior nature to men. Were women to be so degraded that the wife of a deaf and dumb man might interpret his vote for him, and when he was dead might not vote for herself? What was the logical power and judicial impartiality of a ruffian who maltreated his wife that he should be entitled to vote, while the most refined and intellectual lady in the land—a Mary Somerville, a Burdett Coutts, or a Florence Nightingale—was declared incompetent? These anomalies were like the lies of Falstaff—"Gross as a mountain, open, palpable," and he therefore said remove this stigma from the women of England, and then there would be no property and no intelligence unrepresented, and this agitation, which could never otherwise be set at rest, would at once subside. In conclusion, he seconded the Motion for the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Jacob Bright.*)

MR. BOUVERIE, in rising, in accordance with a Notice given some days previous, to move the rejection of the Bill, said, he hoped the House would indulge him if he stated perhaps the whole ground of his opposition to the proposal of his hon. Friend the Member for Manchester. He regretted greatly that his hon. Friend was not in his place, for he had made a moderate, earnest, and reasonable appeal to the House and country in favour of the measure he proposed; but it appeared to him that beyond his statement, as well as beyond the speech of the hon. Gentleman opposite the Member for Penrhyn (*Mr. Eastwick*), there was that insuperable difficulty under which they laboured—that while they were speaking in the name of the women of England, the great bulk of the cultivated intelligence of the women of England was decidedly opposed to them; and not only was it their feelings but their judgment, which led them to the conclusion that the Bill would be a misfortune to them instead of a boon. That was the feeling of the women of England, and he (*Mr. Bouverie*) could not help thinking that his hon. Friend the Member for Manchester spoke not for them, but only for the 40 ladies of wealth and

character whom he said he represented. His hon. Friend had alluded to Petitions that were presented in favour of the Bill; well, undoubtedly, some 240,000 or 250,000 signatures had been attached to Petitions in favour of the Bill; but a large proportion of those signatures were not the signatures of women, and the Petitions themselves, instead of being the spontaneous outcome of the feelings of the signatories, were sent down to the localities ready drawn, and the people canvassed to sign them after the fashion which hon. Members so well understood. But even supposing the whole of the 250,000 signatures were those of women, they could scarcely be regarded as overwhelming evidence of the desire of the 8,000,000 adult females in these kingdoms for the success of the Bill introduced by his hon. Friend. He would dismiss at once, therefore, the suggestion of his hon. Friend that the number of signatures to these Petitions ought to weigh the House in consideration of the Bill. His hon. Friend had stated with truth that the House was never disposed to favour arguments based upon mere abstract principles, but insisted that substantial grounds should be shown for legislation. His hon. Friend then went on to state that the substantial grievances of those whom he represented were the lack of educational facilities for women, the difficulties connected with the holding of property by married women, and the question of the custody of children. With regard to the education question, he (Mr. Bouverie) admitted that in times past the female sex were placed at a disadvantage as compared with the male sex in the matter of educational advantages; but different ideas now prevailed, and it was not by any means requisite to give votes to women in order to settle the question on a satisfactory basis. He was certain that Parliament, as at present elected and constituted, would at any time be willing to pass any measure calculated to put boys and girls on an equality as far as education was concerned. Then there was the other grievance as regarded the custody of children. On that point his hon. Friend really weakened his argument, because he did not propose to give married women votes. It might, however, be presumed that it was to the children of married women he referred; so that, by way of correcting the grievances of married

Mr. Bouverie

women, in respect of children, he proposed to give votes to a class who had nothing to do with children. [An hon. MEMBER: Widows.] He (Mr. Bouverie) would treat of widows presently. There could be no doubt, however, that his hon. Friend made out a case of occasional great hardship in married women being deprived of the custody of their children; but, speaking broadly, there must be under the marriage union, in case the parents separated, one parent only who should have the custody of the children, unless his hon. Friend proposed that there should be a judgment of Solomon, and the children should be each divided in half; and, moreover, did his hon. Friend maintain that there were no such beings as immoral and ill-conducted wives as well as husbands? Was there no such thing as a father who would be unwilling to entrust his children to a vicious and ill-conducted wife, as a wife would be to entrust her children to an ill-mannered husband? There might be a fair provision in law in these respects to decide upon the merits of each case, as to which parent should have the custody of the children, but there was really no ground on that score why women should have votes as Members of Parliament; and, in fact, his hon. Friend's arguments tended more to support a plan for remedying defects of the law. In this case, with regard to the custody of the children, it did not require to give votes to any class or number of women who desired to see justice done. All of them had sympathy enough with the distressed mother or wife unjustly deprived of the custody of her children, and were quite willing to remedy any defect in the law affecting her in this respect. Then, as regarded property, the hon. Member for Penrhyn spoke about the common law. Well, the common law was founded upon the theory—rightly or wrongly—that married persons made but one person in law, and hence had arisen these rights with regard to property. These rights, however, had within the last few years been considerably modified. They all knew that in the upper classes of life—and he might say in the middle classes of life—very rarely a marriage took place without a settlement or some provision being made with regard to the property of the woman. Something was done in that way to remedy the defects of the com-

mon law, if it were defective, which absolutely gave the whole of the personal property to the husband. But while there was some ground for feeling that this state of the law might often operate with hardship with regard to married women in the humbler classes, on the other hand, the husband, by the fact of marriage, became liable for the debts of his wife; whatever debts she might have incurred during her maidenhood, he was bound to pay; and those warehousemen to whom his hon. Friend referred, who were afraid to give "tick" to a young woman because she might get married, had only to see that if the husband was a man of industry and means they would have the advantage of double security for payment for their goods. He (Mr. Bouverie) appealed to the House to say whether the grievances he had enumerated did not form the sole basis on which his hon. Friend asked Parliament to make a change in the representative system in this country such as had never been made in any other country on the face of the globe. The House, however, ought not to be led astray by his hon. Friend a second time by listening to his earnestness and the voice of his charming, as they did when he introduced a Bill to give votes to single women in municipal elections. Now, his hon. Friend came and said he was asking for a higher thing. He was asking the House to give votes to single women for Members of Parliament; but there should be some place where they ought to stop, and if they did not stop now, he (Mr. Bouverie) could not see where, in future, they were to have stopping ground on that question. Moreover, the addition to the number of the voters in constituencies which would be involved by passing the Bill before the House would be by no means the trumpery affair that his hon. Friend seemed to think, for the addition would not be less than from 320,000 to 330,000, or between 12½ and 13 per cent, according to a careful calculation which he had made on the basis of Returns presented to Parliament. He would remind the House, further, that to make an addition of that character would involve an immediate dissolution of Parliament. ["No, no!"] Hon. Members might express dissent from that statement; but he maintained that if so great an addition was made to the

constituencies, it would be absolutely necessary to take their opinion as to the mode in which the country was to be governed. His main objection, however, to the proposal of his hon. Friend was that it merely touched the hem of a great question. It was not merely whether some 200,000 or 300,000 people should be added to the number of the constituencies, but whether the whole system upon which this country had been governed hitherto should be altered. And here arose another great difficulty in his view. His hon. Friend said that women were equally entitled as men to political power, and he thought his hon. Friend was also an advocate for universal manhood suffrage. [Mr. JACOB BRIGHT: No, no!] Well, there were many who were, and who were in favour of this Bill, and he believed the right hon. Gentleman at the head of the Government two years ago had indicated his feeling in that direction. It existed in America; and however much it might be open to objection, it was not therefore an impracticable system of government. Well, if manhood suffrage were given, they could not do without women suffrage. They must give votes to women all round, as well as to men. Then what was the consequence? Was the House aware that the women exceeded the men by something like 350,000 in this country? The males in the United Kingdom, of all ages, by the last Census, were 15,500,000, the females 16,218,000, leaving a difference in favour of females of 718,000. The adults were about 50 per cent of the whole number; so that about 50 per cent of women, under woman suffrage, would be entitled to have votes. That would amount to a majority of women with voting power in the country against men, who were supposed to be cruel tyrants, and to overbear and misuse the women; and, practically, it would come to this, that the women would out-vote the men, and then the country would be governed by women. It was assumed that the women were in chronic opposition to the men, and, if in a majority, they would necessarily sway the councils of the country at home and abroad. Was that a conclusion to which they would like to come? Its absurdity, on the face of it, showed the fallacy of the views of his hon. Friend. But it was not necessary to have this universal woman suffrage to give women a prepon-

derance at elections. The House was now aware that in nicely-balanced constituencies a comparatively small body of voters would turn their choice of a Member one way or the other. In the present constituencies they knew that a small number who held extreme views on the temperance question were able to turn the scale in many elections, and thus secure support by members to their opinions. If once the votes of women were admitted, as now proposed, there would be many instances where they would be able to turn the balance, and give a feminine character to the policy of the country. He respected the opinions of many women, but he was not prepared to say that the policy of this country was to be influenced by women rather than by men. There was a line from Shakspeare, where one of the old Romans said—"Our father's souls are dead, and we are governed by the spirits of our mothers;" but that was a state of things the old Roman did not like, and we should not like it either, that upon questions of peace or war, perhaps affecting the policy of this nation now and for times far distant, the feelings, sympathies, and peculiar character of women should guide the policy of the country. In the judgment of men, who had the harder work of life to undertake, leaving the gentler and milder duties to the women, this could not be desirable. He would remind the House, too, that it was not with the mere giving of votes that this matter could end. In this country political rights were not and could not be severed from political duties, and if the right to vote now claimed for them were to be conferred upon the women of the country, they ought to undertake the correlative duties which attached to the position of an elector in this country. Who could make a just distinction between women voting for Members of Parliament, and women sitting on the Bench as Judges—sitting as magistrates, or on juries on the trial of cases, and fulfilling all the judicial functions men now discharged? Take the cases where brutal men in the lower classes of life ill-treated their wives, and who received mild sentences from the magistrates. The remedy for that was not a change of the law. The law was just enough. The law imposed a severe penalty for offences of that sort, but it was the fault, if fault at all, of the tribunal. How would it be if

Mr. Bouverie

women sat as a tribunal, and passed sentences on men who ill-treated their wives? Was the House prepared to see that change? He further understood that it was actually contemplated that women should have seats in this House, for he could not see, how, if they gave women votes, they could refuse to them the right of electing whom they liked to seats in this House; so that they must alter the whole mode in which the Government was carried on. Moreover, would the ambition of the ladies be limited to seats in this House? Would they not aspire to sit on the Ministerial bench or even in the Speaker's Chair? When they once departed from the existing practice in those respects, and gave political rights, his impression was that there was nowhere where standing-ground could be found to resist their claims. Take the case of the defence of the realms. Were women to be balloted for the Militia? Were they to serve as constables, or soldiers in the Army? That seemed ridiculous, but those views were actually advocated by writers of intelligence and ability in largely-circulated publications. A writer in a recent number of *The Fortnightly Review*—a publication which, by-the-by, came out once a month—advocated women's rights with great intelligence and ability, and wrote strongly in favour of breaking down all existing distinctions, as far as business occupations were concerned, between men and women. He said—

"Some women are allowed, under the pressure of necessity, to teach, or to write for the Press, or, if they have very great energy, to profess medicine; it only remains to allow all who have the necessary material inducement to enter the Civil Service (where Mr. Gladstone is evidently prepared to let them have clerkships cheap), the Army, the Navy, the Universities, and any other learned or lucrative profession they may fancy."

The writer also referred to the moral and physical forces of the State, and went on to say—

"Undoubtedly, when women have seats in Parliament and on the Bench, they will also hold commissions in the Army; and it may even be surmised that the profession of arms will be rather a favourite with them than otherwise; for military glory has more in common with the aims which they have hitherto been encouraged to pursue than any inducements held out by learned or commercial careers. The few cases on record of women who have disguised their sex in order to enter the Army offer no criterion as to the number who would do so when the necessity for secrecy was removed. The contrary assumption is so much the creation of habit, that it is scarcely

possible to argue either for or against it. The physical strength of women is the principal difficulty contemplated; but it is obvious, quite apart from the effect of education or training, that the women of some races are taller and stronger than the men of others; and if that consideration appears too remote, it could be easily ascertained how many maids-of-all-work in London work harder than a dragoon. But it is supposed that women will be particularly influenced by the reluctance which we all feel at the prospect of slaughtering our fellow-creatures. Similarly it was held quite recently that they could not—it is still thought in some circles that they should not—cut off babies' legs. Now, to shoot an invader, who may be out of sight, and to cut off a baby's leg, are both painful surgical operations, which no right minded person would perform, except for the benefit of the infant or the fatherland; but there can be no question as to which of the two is most trying to the nerves and harrowing to the sentiments. Unless antiquity—as is possible—was quite mistaken as to the natural instincts of the female sex, it will prefer the science of destruction to the art of healing."

[*Laughter.*] The proposal of his hon. Friend related simply to unmarried women, but he, for one, did not see how they could stop there. They all knew that, practically, the great object and the great happiness of single women was to have a happy married home, and that those who failed to get it had more or less to maintain themselves. In our artificial state of society, a great many women failed, especially in the higher classes, to obtain this object. That, he thought, was the great cause of the discomfort which prevailed, and the agitation which had sprung up. His hon. Friend, however, was very strong upon the point that he confined his proposal to single women; but he (Mr. Bouverie) confessed his inability to see how that could be done. The greater part of the grievances sought to be remedied by his hon. Friend were the grievances of married women, and it was by no means clear, from his hon. Friend's point of view, that the best way to remedy them was by conferring the franchise upon women who were not married. That appeared to him to be a very roundabout way of doing what was desired, because if it were necessary that political rights should be extended in order that the grievances of any class should be redressed, those rights should be extended not to those who did not suffer, but to the class aggrieved. The arguments of his hon. Friend, therefore, seemed to point in the direction of giving married women votes; but the giving the right of voting to married women was repugnant to all

their ideas of married life. The theory of the married life was, that the husband and his wife were one. That was the old law, and it was none the less good because it was old. A learned author (Littleton), the subject of Lord Coke's *Commentaries*, writing in the time of Henry VI., said—

"Although a man may not grant or give his tenements to his wife during the coverture, they are hers, for that his wife and he be but one person in the law."

And it was not only the theory of their law—the law as laid down by Littleton—but it was the law of the Church and of religion. It was laid down in that Book which they were accustomed to regard as a sacred code, and which dictated to them their duties, telling them that the husband should rule over the wife. In looking over the literature of the question, he could not help noticing that one of these ladies, who had written on the subject with singular literary ability and force, showed a very great antipathy to St. Paul. She professed a great, and, no doubt, honest respect for religion, but appeared to entertain a particular spite against St. Paul. He seemed to be picked out from everybody else, and spoken of as if he had no authority on the subject. But, perhaps, that might be accounted for when they recollected what St. Paul wrote—

"Let the woman learn in silence with all subjection. But I suffer not a woman to teach nor to usurp authority over the man, but to be in silence."

What he would wish the House to observe was, that the theory not only of their law and of their religion, but of all their social customs, lay in the fact that the husband should rule over the wife; and that condition of things he believed afforded perfect security in the vast majority of cases for the comfort and happiness of the woman. He could not help thinking that his hon. Friend, and those who supported him, had in that matter fallen into a not uncommon error—that of mistaking exceptions for the rule, and that there were myriads of homes in this country, of all classes, where man and wife go on happily from year to year, during their lives; it being the business of the man to do the hard work, and of the woman to make home bright and cheerful for him. The theory, however, of his hon. Friend was, that

there was a kind of constant opposition of interest on the part of husband and wife. With reference to the argument based on considerations affecting property, he might mention to the House his own personal experiences. When he married—a great many years ago—he went to consult a very able conveyancer, a personal friend of his, and of the same religious persuasion to which his hon. Friend belonged, about the character of the settlements. His friend said—and he was so impressed with it that he recollected it as well as if it had only happened yesterday—“I advise you strongly for the interest and happiness of your home not to have a separate settlement on your wife.” His friend, then, with a view to enforce his advice, took down a volume of Chancery Reports, and read a passage, in which Lord Eldon, late in his official career, said he had seen a vast amount of litigation with regard to settlements; and the result of his great experience was that a separate and independent maintenance for the wife by settlement, as was commonly made in the upper classes, did not conduce to the happiness and welfare of families. That judgment and opinion he would set against the Motion of his hon. Friend. But the contention of his hon. Friend was, that all that was now to be changed. They were now to have a new kind of “compound householder.” It was impossible to draw a distinction in this matter between married and single women. Indeed, his hon. Friend had had the candour to admit that that was so.

MR. JACOB BRIGHT said, he wished to explain. If he had made such an admission it was a mistake, for he had never intended to convey any such impression.

MR. BOUVERIE said, he had certainly so interpreted his hon. Friend's arguments; but as his hon. Friend had disclaimed any intention of meaning any such thing, he had great pleasure in accepting his disavowal. The whole effect of his hon. Friend's argument, however, went to show that women, to be fully protected, must have votes in that House. The agitation, as he (Mr. Bouverie) had already said, had in his opinion arisen from the fact of there being vast numbers of unmarried women, who must and would continue to have to maintain themselves by their own exertions under

Mr. Bouverie

great difficulties, and some of whom he perhaps might be pardoned for having termed “failures” in life. Their industry was hardly sufficient to do so. That was partly due to the artificial life of women, partly to the unavoidable competition of men with women. They could not compete on equal terms. Their physical strength was not more than two-thirds of that of men, and they could not do more than two-thirds of the work; while they all knew that from physiological reasons, they could not from time to time during a large proportion of their adult life do so much. The labour, therefore, of a woman, was scarcely able to maintain her; and it should be remembered that many of them had to compete with married women, or with unmarried women supported by their father or brothers, who had homes, who eked out their maintenance from other sources by their labour, and who could compete with advantage over those who had wholly to maintain themselves. He admitted fully that they ought to do everything in their power to remedy that state of things by promoting the education of women and girls in all grades of life, and particularly in the higher kinds of education; and let him say that much had been done within the last few years in that respect. Women, too, were showing that they were taking advantage of the additional facilities given to them for education, and for learning various profitable modes of occupying themselves. In many of the artistic walks of life—in drawing, engraving, and designing, and those classes of pursuits for which women were eminently qualified—there had been a large advance made in the way of enabling them to earn a good maintenance; but these were all economical evils to which political remedies could not be applied. They were too apt to take up the theory of the school of politicians to which his hon. Friend belonged—that political rights would alter the economical condition of the class on whom those rights were conferred. That was a mistake. Economical conditions depended upon natural laws and legislation, and political rights could not directly affect them. Men must engage in works of toil—mining, ploughing, navigating, fighting—in short, all the employments which required physical power and endurance. Moreover, part of the hard work of

life consisted in governing, and it was not woman's work to govern. The government of the household was one thing; but to mix oneself up with the turmoil of the polling-booth was quite another. They all knew, practically, that a person endowed with a vote was assailed in every possible way to give that vote one way or another. Temptation of every kind was held out—allurement and menace, and where refusal was given, the screw was put on. Why should womankind, and particularly gentlewomen, be subjected to the screw? They knew that it would subject them to all sorts of annoyances and persecution, and therefore it was that the women of the country could not be stirred up to join in that agitation. They were content to leave the governing part of the business of life to men, and they might rest assured that men were fairly disposed to do justice to women as well as to men in their legislation; and he denied that there was any indisposition to do that which was right and fair by the other sex. The time had, however, he thought come when the House must decide which system they preferred, for they were at the turning-point. If they gave a vote to women, he thought he had shown that they must go further, and give them everything else in the shape of political power. It might be prejudice on his part; perhaps it was, but he preferred the old system. That system he should believe to be right until his hon. Friend had proved it to be wrong, and his hon. Friend, he was inclined to think, had lost sight of the fact that the burden of proof lay upon him to show that the existing system was wrong. He did not think he could do better than, in conclusion, to quote the words of one of those 40 ladies of "wealth, worth, and position," who were his hon. Friend's clients. That lady, in one of an exceedingly well-written series of essays, said—

"The majority of Englishwomen have, I believe, at this day, a secret dread lest the granting of the claims which are just now favoured by women should revolutionize society. I wish particularly to notice the fear or presentiment which seems to me most worthy of our serious consideration—namely, the fear that to grant what they are asking would revolutionize our homes. This is, indeed, a serious question, for I believe that home is the nursery of all virtue, the fountain-head of all true affection, and the main source of the strength of our nation."

Those words of Mrs. Butler were wisely

VOL. CCXI. [THIRD SERIES.]

thought and eloquently expressed, and, fully believing, as he did, in the concluding portion of them, he hoped the result would be to show that the majority of the House were of the same opinion.

MR. SCOURFIELD, in rising to second the Amendment, said, he felt he owed an apology to the House for speaking three times on this subject during the present Parliament; but he was desirous of saying, notwithstanding all the arguments that had been adduced in favour of this measure, that his opinions and feelings on the question remained unchanged. He, moreover, was compelled to say something additional, from feelings of gratitude and gallantry, for he found by the public newspapers that, in conjunction with his right hon. Friend the Member for Kilmarnock (Mr. Bouverie) and his hon. Friend the Member for the University of Cambridge (Mr. Beresford Hope), he had had the honour of being made the subject of a vote of thanks by some energetic ladies at a public meeting convened for the promotion of this movement, on the ground, as they asserted, that they had rendered them good service by exhibiting the utter weakness of the arguments of their opponents. Now, he viewed it as an inestimable advantage to be noticed by the ladies at all, and almost preferred to be thus attacked than to be consigned by them to utter oblivion. Few like "to lie in cold obstruction and to rot." It reminded him of an anecdote related of Dr. Johnson, about a certain individual who complained to him that on visiting Ireland he was kicked by an Irishman; whereupon the Doctor observed that he was glad to find that his friend had risen in the world—that nobody in England had ever thought him worth kicking. If, then, a lady should drink his (Mr. Scourfield's) very bad health, he should certainly feel disposed to return her thanks, and to drink to her good health. But to come to the question immediately before them, he denied that there was any evidence to prove that the mass of the women of England were in favour of the proposal. On the contrary, he was persuaded that the vast majority of the ladies of England and the general feeling of the people at large were utterly opposed to the movement. It had been once remarked by the Chief Baron Alexander that it required an immense amount of

mental energy to hold one's tongue at certain times. Now, he (Mr. Scourfield) believed that the ladies of England generally had shown themselves possessed of that faculty in respect to this question; and he did not see any reason why their feelings upon it should be ignored, because they did not express them in so demonstrative a manner as certain lady politicians who were favourable to the measure. If they looked to the Petitions presented on the matter to that House, they would find them representing but a very small fraction of the people, whilst, he believed, there were millions against the Bill. Moreover, they all had a great respect for Petitions sent from the people; but they were different things from Petitions sent to the people. They had had much discussion in that House lately respecting the best mode of maintaining secrecy in the vote at Parliamentary Elections. He thought that the admission of women to the franchise would go far to render it impossible by any machinery to effect that object, and that they themselves would be the first to suffer from a breach of the law in that respect. If the question of voting, however, had been based exclusively on property, he was not sure that he should have any strong objections, provided the necessity of personal attendance were dispensed with; but with regard to that, he would remind the House of what the Prime Minister said last year upon that point. The right hon. Gentleman, speaking generally, said that the personal attendance of women at the poll would be a practical evil not only of the gravest, but of the most intolerable character. Moreover, when the proposal to substitute voting papers for personal attendance was brought before the House it found no more strenuous opponents than the hon. Gentleman and his Friends who promoted the Bill. Indeed, the proposal to render any voter who disclosed his vote liable to a period of imprisonment emanated from an hon. Gentleman who, if he had had his way, would now by his advocacy of this question, extend that privilege to women. The promoters of the Bill did not propose to extend the franchise to married women on the ground that they were under the influence of their husbands; but, as an hon. Friend of his suggested, if the Ballot Bill were carried, they would no longer be under the influence of their husbands,

Mr. Scourfield

because, although they might tell their husbands they had voted one way, they might in reality have voted differently. It was further said that he and those who agreed with him were fighting shadowy and imaginary evils; but one of the ladies who had taken part in the proceedings at the public meeting recently held to promote this Bill, said that under the present system women suffered a loss of dignity and were inclined to take a childish view of life and its duties, to attempt to rival each other in "dress, domestic economy, the conventionalities of society, and infinitely small things of that kind." And another lady said they would not press for revolution, unless they saw that their demands had been hopelessly rejected. Well, that, at all events, was somewhat consolatory, for it was well to keep off the evil day as far as possible. Revolution at all times was a terrible affair, but when effected by ladies it would be horrible in the extreme. It was only last evening that the hon. Member for the University of Dublin (Mr. Plunket) took the lead in a cry raised by all the Irish Members—and the Scotch Members—"caught faintly the sound as it fell"—that the Civil servants in Ireland were entitled to an increase of salary. But what good, he (Mr. Scourfield) asked, would be a small increase of salary to the Civil servants, if those with whom they were intimately connected were to disregard all considerations of domestic economy? How would their comforts be promoted when on returning from their offices to their homes, they found their wives "quenching their familiar smiles with an austere regard of control," and giving them, instead of a mutton chop, a lecture on metaphysics. As to the value of the "conventionalities of society," he might invoke the personal testimony of the present Speaker, whom he now addressed not only with that respect and regard which his high official position exacted, and which his uniform kindness of manner had inspired, but with sentiments of sadness arising from the reflection that he was now probably addressing the last male occupant of the Chair. Lord Bacon had said that truth emerged more quickly from error than from confusion, and one of the most important means of saving society from utter confusion was the observance of those conventionalities which

had been spoken of with such contempt. He (Mr. Scourfield) was afraid that if the lady who might possibly succeed Mr. Speaker in that Chair, refused to recognize the conventional Rules which governed the proceedings and Business of the House, she would, in a very short time, find the House involved in such a state of chaos and confusion that she herself would be obliged to swear in a large body of able-bodied women as special constables to preserve something like order in the Assembly. Now, if he might venture to give advice to the ladies, he should recommend them to rely upon the natural attractions of their social position in society rather than upon the dreamy illusions of political power—on the proud positions which they were capable of attaining in English literature, as instanced by such names as Edgeworth, Austin, Martineau, and Mrs. Archer Eliot, rather than on the fickle and ephemeral notoriety of the public platform of politics and unwomanly declamation. If he ventured on any warning, he would use words not his own, but those of one of the most distinguished ladies that had ever adorned literature—namely, the incomparable Jane Austen, who, in one of her novels, said—

"Goldsmith tells us when lovely woman stoops to folly, she has nothing to do but to die; and when she stoops to be disagreeable, death is equally to be recommended as a clearer of ill-fame."

Woman had now her home in the hearts and affections of all mankind. In her natural position, as the helpmate and comforter of man, she would ever find herself respected by all persons of refined taste and generous appreciations. He would conclude by quoting and applying the words of Burns—

"For a' that, and a' that,
A man's a man for a' that."

Now, notwithstanding the Darwinian theory as to the transmutation of species, and all the speeches made and resolutions passed at public meetings—

"For a' that, and a' that,
A woman's a woman, for a' that;"

and he trusted that she would remain so to the end of time.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months,"—(*Mr. Bouverie*.)

MR. MAGUIRE*: Sir, from the speech of the hon. Gentleman (Mr. Scourfield) who has just spoken, it might be supposed that this was a Bill for the abolition of wives and mothers, instead of being what it really is, a Bill to confer on single women a voice in the selection of those who make our laws—laws by which women are equally affected as men. Before dealing with the main question raised by my hon. Friend's (Mr. Jacob Bright's) Bill, I would say something as to the assertion of my right hon. Friend the Member for Kilmarnock (Mr. Bouverie)—who is always daring in assertion—that the vast majority of women are opposed to it. Well, how is that shown? What evidence has he given in support of his sweeping assertion? We, in this House, decide just as Judges and juries do in Courts of Law, upon evidence; and the evidence in the present instance is this—that while Petitions in favour of the Bill have been received from all parts of the country, not one Petition has been presented against it. My hon. Friend the Member for Manchester has pointed to the 250,000 signatures in favour of his Bill, and referred to the total absence of signatures against it. Now, Sir, on which side does the balance of evidence incline? Surely not on the side of the right hon. Gentleman the Member for Kilmarnock. Can the right hon. Gentleman say that his own constituency are opposed to the principle involved in this proposal? As he seems not thoroughly acquainted with the sentiments of his own constituents upon this question, I will take the liberty of enlightening him thereon. Petitions were presented from Dumbarton, Rutherglen, Port Glasgow, and Kilmarnock in favour of the Bill, and the Town Council of Dumbarton adopted an unanimous Petition in the same spirit; and I may add that committees have been organized in Dumbarton and Rutherglen, of which the respective Provosts are secretaries. But the right hon. Gentleman objects to the Petitions with their 250,000 signatures, because they all seem to be framed in the same model. What he would desire to see would be an uncontrollable and spontaneous outcome of public feeling, expressed in bad English, as a proof of its genuineness. Why, Sir, we all know that in this, as in other organizations, there is a certain form of Petition adopted, as a means of precaution

and of safety, by the promoters or supporters of the particular question at issue. In fact, that is a matter of course in the case of every systematized agitation. Now, against this mass of signatures, what have we?—the assertion of right hon. and hon. Gentlemen, that women are all opposed to the giving of the franchise to the woman who pays taxes, and fulfils various other duties of citizenship. Of course, no right hon. or hon. Gentleman would assert what they do not believe to be true; but their means of forming an accurate judgment may be limited, and therefore their individual assertions cannot outweigh the evidence on which we are able to rely. The right hon. Gentleman the Member for Kilmarnock has sought to alarm the House by describing the danger of allowing women to have a voice in public affairs, especially in such questions as those of peace and war—that were their influence felt in such grave questions, a feminine tone might be given to the policy of this country, which feminine tone would be perilous to its honour and independence—in fact, that women from their very nature would lean to a policy of cowardice at a time when the honour of the country most needed a bold and manly vindication. This is his assertion on the one hand; but he himself answers himself in a moment after by his quotation from *The Fortnightly Review*, in which women are represented as being led away by a passion for military glory, and that what really was to be apprehended was their military and combative spirit—at least, that was the impression the right hon. Gentleman sought to convey by his quotation, with which he utterly demolished his original proposition. One thing is clear—that his arguments were utterly inconsistent with, and therefore answered each other. But, Sir, what is the state of things at present? Are those who manage our affairs perfect? Are the affairs of this country never conducted in such a manner as to bring discredit upon its character for dignity and wisdom? Has there been, for instance, no blundering by “the lords of creation” in our foreign policy? Have we never seen our Ministers display at one time a senseless panic, and at another, a stupid bravado? Perhaps it would be well if the influence of women—even the dreaded feminine tone—could be made felt in the government

Mr. Maguire

of the country. The speech of the right hon. Gentleman the Member for Kilmarnock was not only illogical and inconsistent, but it was most unfair to the hon. Member for Manchester, inasmuch as he attributed to my hon. Friend the making of demands which are not contained in his Bill, and he then argues on an entirely false assumption of his own creation. All the Bill asks for is that the same franchise which widows and unmarried women now enjoy for other purposes—Poor Law, municipal, and educational—should be extended to them with reference to the return of Members to this House. No such demand as this has been made on the part of married women; and I have no hesitation in saying that if it had been made I should have voted against it, because it would not be right or prudent that political contention, or its possible cause, should be brought to the domestic hearth. There is then no question of the franchise for married women; and no just reason has been given why widows and spinsters who possess property and pay taxes should not enjoy and exercise it. The objection to this most moderate demand, which I regard as founded on reason, justice, and the strict principles of the Constitution, may be divided into two classes—those who speak in the spirit of the Troubadour of the 13th century, and those who speak in the spirit of the Grand Turk. The one would compliment woman out of her rights; the other would deny her those rights, on the most insulting pleas. The one would place woman on an imaginary pedestal, and there retain her for the worship of the male portion of the human race. According to them, she is a thing too delicate, too pure, too ethereal, to taint or tarnish by contact with the rude world—above all, by mixing in the riot and turmoil of a political contest; and therefore this dangerous gift of the franchise should be denied to her. Now let us deal with this matter in a rational manner, and not be carried away by high-sounding phrases, or by the descriptions of things which do not exist, or will not exist in this country. This objection to the polling-booth is the more important, as it was that most dwelt upon last year by the right hon. Gentleman at the head of the Government, who, I may remark, has since the year before last advanced in opinion on

this question. On the former occasion, as I understood the right hon. Gentleman, he regarded the proposal to give woman the franchise as something which, if granted, would imperil the foundations of society, whereas last year his objection was limited to allowing women to go themselves to the polling-place; and that if any mode could be devised by which their vote could be taken without submitting them to the danger or inconvenience of personal attendance, he would consent to their obtaining and exercising the franchise. But, Sir, what measure is now passing through this House? The Ballot Bill, which will become law at the end of the present Session. ["No, no!"] Well, certainly the Session after, and which will get rid of all legitimate objection as to the polling-booth. You talk of riot and tumult at elections. What is the first thing which your Ballot Bill does? It puts an end to nomination days; and thus, at one blow, you strike away the main source of riot and tumult, and with it one stock argument against the enfranchisement of women. Now, as to the polling under the system of the Ballot. It was my good fortune to witness the operation of the Ballot in Paris in the November of 1869, when, amongst the candidates of the extreme party, Monsieur Rochefort was elected. The balloting took place on Sunday and on Monday. On Sunday the voting was by no means so active as on Monday. On the Sunday comparatively few persons voted, because, as I was informed, the working classes were afraid of the ballot box being tampered with by the authorities. Can it possibly be imagined that anything of that kind would be done in this model country? Surely, such conduct must be altogether confined to the Celtic race, as the Anglo-Saxon would never dream of doing anything so unmanly. On the Monday, however, I went to five or six polling-places, some of them in the most democratic quarters. In one of these I remained more than half-an-hour, and during that time many persons, including several men *en blouse*, voted, and the whole proceeding was conducted with such order and regularity, such quiet and decorum, that if I were asked to say, on my honour as a gentleman—one having as true and exalted a respect for the delicacy and dignity of woman as any of those who oppose their

just claims—would I consent that female members of my own family should take part in a similar proceeding, I should answer—"Certainly, I would," because there was nothing in what I saw that could in the slightest degree taint or tarnish the most delicate, the most sensitive, or the most ethereal of the sex. Then, we have the considerate objector, who says—"Oh, why take women from their domestic duties; why ask them to sacrifice their time for the public interest?" The obvious answer is—men do not sacrifice their interests, their duties, or their amusements to public affairs, and there is no necessity why they should do so; for even the most active politician can discharge his public duty thoroughly with a very small expenditure of time. One would suppose, from the manner in which this objection is urged, that my hon. Friend was by his Bill proposing to produce a constant crop of elections, to bloom like monthly roses. Elections are things of rare occurrence, which generally happen every three years; and the most conscientious and devoted of enfranchised women could easily discharge all her public obligations by the sacrifice of a few hours in the 12 months. But another and grave objection has been raised to-day by my hon. Friend opposite (Mr. Scourfield) in the interest of the over-worked Civil servant. He has drawn a dismal picture of the Civil servant returning to his home, wearied and jaded after his day's work, and instead of hearing the kettle singing joyfully on the hob, and his chop being nicely done, is treated by his wife to a lecture on metaphysics—or, instead of chops and tomato sauce, is regaled with chops and metaphysics. Such an argument as this, which would find its legitimate place in the pages of a comic album, or in a convivial speech, shows how desperately hard driven are hon. Gentlemen for anything like a reasonable ground of opposition to a plain and simple demand. Then you have objections based on the alleged inferiority of women. It is asserted that women—widows and spinsters—ought not to have the right of voting for Members of Parliament because of their being incapable of appreciating public questions and judging of public affairs. But, Sir, I venture to say there are not 10 Members of this House who have not, at one time or another, sought the influence of

women to assist them in their election—aye, and who did not attribute to women a thorough knowledge of the questions then before the country. I can imagine the right hon. Member for Kilmarnock, upon finding the men coy, going to the women and asking them to induce their husbands to vote. I can imagine a case where the elector is thinking more of beer than of politics, or is perhaps calculating how he can sell his vote to the best advantage, and the wife says to the candidate—"John knows all about such matters, but we women know nothing of them;" and the candidate—possibly one who votes against giving women the franchise—saying—"You do know all about them, quite as well as any men; and don't mind what they say to the contrary;" and the wife replying—"Ah, Sir, but you Parliamentary gentlemen say we women are not fit to study political questions, or to mix in political matters. John, who is down in the public, knows all about them; we women do not—" [Mr. JAMES: What nonsense!] My hon. Friend below me has the courtesy to say—"What nonsense!" [Mr. JAMES: I did not.] I heard you. The hon. and learned Gentleman enjoys a monopoly of wisdom in this House. But, Sir, what is the abstruse or recondite question which a woman, as an elector, would be called on to decide?—what is this tremendously difficult question which a woman of ordinary intelligence would find it impossible to answer, but which men, even the stupidest of them, are capable of deciding off-hand? It is simply this—whether A. B. or C. D. is the more suitable candidate—whether this ambitious lawyer, or that great merchant, or that extensive landed proprietor, would be the most faithful and consistent and independent Member of Parliament? Surely, any woman of ordinary capacity, or ordinary quickness and penetration, is as capable of understanding that question fully as any ordinary man? But assume for a moment that women are not as competent to understand questions of public interest, whose fault is that? Is it the fault of nature, or of our existing system? We, in our self-complacency, attribute to an original defect in the constitution of woman, what is solely the result of a deficiency of education and training; but give women the same teaching as you secure to men, submit their minds to the

Mr. Maguire

same training, and in a short time you will find that the natural inferiority of woman is purely imaginary, and that they are as well fitted for political rights and privileges as men. What, Sir, is the qualification for the franchise—that great boon which you cannot venture to entrust to women? Is it virtue; is it intelligence; is it knowledge; is it sobriety; is it common decency; is it character; is it the possession of any single moral quality? No, the possession of the franchise does not depend upon any of these; for the rudest, and most brutal, and most profligate, and most drunken possess the franchise. Nay, the criminal who has perpetrated some atrocious offence, and has expiated his guilt by punishment—he may exercise the franchise; but the wise, gifted, good, moral woman is branded with political incapacity. What, then, is the qualification which opens the doors of the Constitution to the man, and shuts them in the face of the woman? The mere occupation of a house, or the possession of a certain amount of property. It has been argued that it is the house which has the franchise—that the franchise is given to the house. If so, why make a distinction between the house occupied by a woman and that occupied by a man? Why refuse the vote to the one, while you give it to the other? Where is the reason in that? But, says the right hon. Gentleman the Member for Kilmarnock, if we give the franchise to women they will out-vote and swamp the men. Let us see if there be the very faintest approach to probability in this apprehension. My hon. Friend the Member for Manchester does not propose that all women, nor anything like all women, shall have a vote; he only asks that the minority shall be enfranchised, and those the occupiers of houses. That enfranchisement will not in any way interfere with the ordinary operations of nature; it will not destroy those mystic influences which attract the sexes towards each other; it will not prevent marriage and giving in marriage; all that will go on as well after the passing of the Bill as it does now; and thus the vast majority of women will not be entitled to vote, simply because they are married, and not single. Therefore, my right hon. Friend will see that the votes of the women cannot by any possibility swamp those of the men. We are told by the

same authority that only the "failures in life" demand the franchise; that all the intellectual and highly cultivated women object to it; and that Miss Austen was opposed to the idea of such a concession. If it be true that the failures alone demand the franchise, then all I can say is this—the failures have awfully increased of late, for they may now be reckoned by tens of thousands. As to Miss Austen, she wrote good works some half-century since; but if that lady were now alive, would she not be found with the women of this day who are her equals, if not her superiors, in intellect and in cultivation? Among those failures who are bent on obtaining this right for their sex, are many of our deepest thinkers and our most brilliant writers; are women who, as mothers and heads of families, are models of domestic excellence—are women whom this pursuit does not divest of the delicacy and sensitiveness which are quite compatible with vigour of mind and energy of purpose. Ah, but women are too emotional—too much women, and too little men—they have the fatal defect of being illogical! Now, Sir, there is in this world—I shall not say in this House—a tendency to exalt logic at the expense of every other quality. I, for one, am no believer in the omnipotence of logic. A man may chop logic, and dexterously double up his opponent in argument; but if he be wanting in higher and better gifts, he indeed is a failure—at least a man of this kind makes no great mark on the age in which he lives—none whatever on posterity. Men of this kind fail—fail to lead and influence men, because they cannot understand man; they cannot sympathize with humanity, because they are ignorant of the springs and sympathies by which men are moved and men are governed. I am not afraid of seeing woman's influence more directly felt in this Assembly, and reflected in its Legislature. A great statesman is really great, because he combines in his nature something of the essential characteristic of woman—her generosity, her enthusiasm, her unselfishness, and her large sympathies. When a statesman of this stamp undertakes to redress a great wrong, or grant a great and lasting boon, he does so from strong conviction and with all his heart; and the service and the gift are done and given with such manifest sincerity

and earnestness of intention, that they are acknowledged and received with a nation's gratitude; and that statesman, though at times he may fail or blunder, is sure to leave behind him a name of honour and a memory of affection. There are other men with nothing of the true woman in their nature, cold of heart and hard of head, who, if they redress a wrong or grant a boon, are impelled thereto by no generous impulse, by no large sympathy either for a class or for mankind, but whose chief motive is to retain or resume the possession of place and power. There is little gratitude for what they may do or give, and they leave no enduring memory behind them. Sir, if we had more of the influence of women in this House, it would be felt in our laws, which would be more tender to infirmity, more compassionate to suffering, more considerate to poverty, more replete with the spirit of a large and generous humanity. Sir, I support the Bill with all my heart, because I believe its passing would infuse into politics a higher tone and feeling than that which at present exists, and because I regard the demand which it makes as alike logical and constitutional.

MR. KNATCHBULL-HUGESSEN: Sir, a demand for enfranchisement, advanced by any body of our fellow-subjects, deserves—I should rather say, requires—the attention of this House. And when such a demand has attained the proportions of the present; when it is supported by an influential organization, and has been made the subject of a systematic agitation from one end of the country to the other, it is more than ever necessary that the grounds upon which it rests should be fairly examined and fully understood, and that its supporters should be treated with that consideration which is due to their perseverance, as well as to their evident earnestness and honesty of purpose. Therefore, Sir, in the few remarks which I wish to address to the House, I shall endeavour to avoid everything except that serious argument which the advocates of this Bill have a right to expect. They have, however, a right to expect something more. This is not a question upon which our words ought to be enigmatical or of doubtful import. If we entertain vital and fundamental objections to this proposal, it is due to its promoters—it is due to ourselves—it is due to the House

—that we should state those objections clearly, fairly, and boldly, and not by complimentary phrases or equivocal utterances give encouragement to hopes, the realization of which we intend, if possible, to prevent by our votes. And now, Sir, taking this Bill in my hand, I find its title to be that of “A Bill to remove the Electoral Disabilities of Women.” I should rather describe it as “A Bill to add to the Duties, the Burdens, the Responsibilities of Women;” or, if I looked at it from another point of view, I should be inclined to call it “A Bill to alter and amend the Laws of Creation, and to re-distribute that arrangement of Duties between the two Sexes which has hitherto existed, and which has worked with tolerable harmony since the world began.” And the principal reason why I trouble the House to-day is, because I desire to enter my protest against such a re-distribution, which, on my conscience, I believe, would result in the infliction of a grievous injury upon the weaker sex, under the semblance — and, no doubt, with the full intention — of conferring upon them a benefit. Now, Sir, in grappling with this question, I am confronted at the outset with an argument to which I desire to direct attention. The very manliness of man’s nature is appealed to against our opposition. It is said — “You are strong, and those who seek enfranchisement at your hands are weak; moreover, you, being in possession of rights from which you carefully exclude the other sex, are about to sit in judgement upon your own case; you have assumed to yourselves the right to deal with, and to settle, questions in which woman has an equal interest with man, and, therefore, it is for you to show by what right, moral or natural, you justify your exclusion of the other sex. And, if you fail to show such right clearly and beyond doubt, your sense of justice, your honour — nay, your very manliness and chivalry are all concerned in your speedy abandonment of an untenable position and in the immediate removal of these unjust disabilities.” Sir, there is at least something touching in such an appeal to our feelings. No man likes to be told, or to be made to feel, that he is one of a body of tyrants who are keeping others — and those, too, weaker than himself — from rights, which are fairly theirs; and we must all feel at the

first blush that, if we could reconcile it to our sense of duty, it would be both pleasant and graceful to yield forthwith to these demands, and to pass the Bill now before the House without further delay. But in dealing with such a question as this, we are bound to consider more than the first impressions which may be produced by such an appeal. We are bound to consider how it is that we occupy this position of exclusive possession of political rights; and, moreover, we require to be shown by good and conclusive reasoning, that our yielding a share of these rights to woman — involving as it would the disturbance of those relations between the two sexes which have hitherto existed — would be fraught with advantage to those on whose behalf it is demanded, and would tend to the general benefit of the community at large. And here arises the question at once — how comes it that this state of things ever existed? How did it ever happen that men stood in their present position in the government of public affairs and the transaction of the political duties of the world? Did the two sexes start upon equal terms at the beginning of the world? — equal in strength, equal in the character of their intellectual powers, alike fit for the discharge of the same social and political duties? Was it, then, by an unjust usurpation that from the very first man obtained the political status which to this day he occupies to the exclusion of woman? Has the whole experience of the world been faulty from the first? Has the teaching of every religion which has ever obtained a hold upon the minds of nations been mistaken in the position which it has assigned to woman? Has a cruel usurpation been going on; has a grinding tyranny endured ever since the creation of the world; and has it been reserved for the enlightenment of the 19th century to discover its real character — to sweep away the scandal of ages — to repair the slights and redress the wrongs of woman, and to place her in the position of which she has been for so many centuries deprived by the greed, the ambition, the rapacity of man? Sir, we are to-day reviewing the social relations of mankind since the beginning of the world, and it is necessary to ask such questions. I can conceive an answer to them, although I suggest it with diffidence. There are still some persons bold enough

Mr. Knatchbull-Hugessen

—or timid enough, as it may be thought—to prefer the experience of ages and the universal assent of the world up to this time, even to the enlightened theories of modern philosophy. And such people, I imagine, would answer somewhat after this fashion—"At the first creation of the world a Higher Power than that of Kings and Parliaments decreed and constituted organic differences between the two sexes which cannot be affected by human legislation, and the same Power assigned to each sex special functions and special duties for which each was specially qualified." Sir, in the truth or falsehood of that proposition really lies the gist of the whole question. For if each sex, by its nature, its constitution, its organization, is equally fitted for the performance of the same functions and duties, then the justice of your Bill is undeniable, and our opposition is unfair and unreasonable. But if the natural difference between the sexes gives to and takes from each sex certain qualifications for certain duties, then, that natural difference must be taken into account in the consideration of any such question as the present, which involves the bestowal of certain rights—or rather, I should say, the imposition upon one sex of certain duties and obligations from which it has hitherto been by common consent exempt. Now, can it possibly be denied that this natural difference exists, and that, in consequence, there are many callings and occupations suited to one sex and not to the other—many duties for the performance of which one sex is unfit and incapable, but for which the other is specially qualified? And, taking this into account, when we are asked to re-consider and revise the apportionment of duties between the sexes, it behoves us to take especial care lest, misled by false sentiment and misplaced sympathy, in the attempt to extend woman's rights, we impose upon her duties and burdens which she would find intolerable. Sir, I know I shall be told that I am traveling beyond the limits of this Bill, which proposes only an extension of existing rights. ["Hear, hear!"] My hon. Friend behind me cheers that view of the case; but if he will consider the matter a little more attentively, he will discover that by this Bill a door will be opened which it will afterwards be difficult to shut. Equal rights involve equal

obligations, and I can only argue upon this Bill as one, the passing of which must result in the eventual, if not the immediate, granting to woman of the right—and, mind you, with the right, the obligation—to perform every public duty now performed by man. I employ the arguments of the promoters of the Bill themselves. They say—"You make women pay taxes; you give them votes in vestries, in municipal elections, in the election of school boards; why do you stop short and deny them the Parliamentary franchise?" I say that that argument must be carried further, and that if it is illogical and unreasonable to make a standing-point where we now make it, it is equally unreasonable and illogical to make any standing-point at all, short of perfect equality between the two sexes. And I say, moreover, that if you who use these arguments are not prepared to give that perfect equality, the strength of your argument breaks down, you abandon your principle, and it is for you to show how any standing-point, short of that which would entail upon woman the performance of every duty now performed by man, can be more valid or more tenable than that upon which we rest to-day. You say—"Give women votes for the election of Members of Parliament, because you have already given them votes for the election of school boards." But may it not be urged with equal force, that since you have permitted women to be elected members of school boards you ought also to permit them to be elected Members of Parliament? I hardly know, from the contents of this Bill and the speeches of its promoters, whether this result is or is not contemplated by the authors of the measure. If so, I think I need hardly point out the difficulties that would arise, and how it would assuredly be discovered that the legislative duties which are discharged by men with tolerable facility would be burdensome beyond measure and beyond their strength in the case of women. Perfect equality in this case, although theoretically beautiful, would be practically impossible; because, as soon as the theory became practice, physical conditions would have to be taken into account, and the difference of constitution between the sexes would render it positive inequality. But, if men and women ought to be equal in every re-

spect, how do you defend the exclusion of married women from participation in electoral privileges? I gather this to be the intention of the Bill, so far as I can understand the speeches delivered in its favour, although this point also is involved in some obscurity. But are married women to be placed at this disadvantage? Surely you will not allow that a married woman is under the control of her husband? That would be a very old-fashioned notion, and one, moreover, which would imply recognition of a *quasi*-inferiority of sex, which cuts away from under your feet the whole ground of your argument. Of course, it will be said that a vote is given upon considerations of property, and that a woman loses her individuality, and becomes, as it were, merged in her husband upon her marriage. But that is not a complete answer. Why should a woman be punished upon her marriage by being deprived of her vote? Is marriage a crime? If not, why clog it with a disability? And see, in what a position the passing of this Bill will place unmarried but marriageable women! A marriageable woman, whom you have taught to value the franchise as a great privilege, will have seriously to consider whether her duty to her country will allow her to enter into matrimonial bonds; and the inconvenience may become so general and serious that it may have to be considered whether it will not be desirable to establish by law, and socially to recognize, some engagement of a less disfranchising character. But what are these married women whom you would exclude from the franchise? Sir, they are the model women of England. We are all proud of our countrywomen; but when we express that pride, of what class is it that we especially think? I have a great respect for those talented ladies, estimable in every way, who go about the country as lecturers; but I should not take them as my model women; neither should I take ladies who have arrived at a certain age without falling into any matrimonial entanglement. When I speak of the women of England, I have in my mind those young, pure-minded girls, who are the light and life of their homes; who develop into the wives and mothers of England; who bring up England's children in the fear of God and in the love of all that is pure and good; who shed a hallowing

influence over the families among whom their lot is cast, and bless the homes of which they are the pride and comfort. And that is the class whom your Bill would exclude from the franchise! You tell us that an unenfranchised class of men stands in an inferior position to those who have the franchise—you tell us that the whole sex of woman is degraded and held in less respect by mankind because disenfranchised—and in the same breath, you propose by your legislation to place in an inferior position in comparison with their fellow-women, that class which, by universal admission, are pre-eminently fulfilling woman's mission upon earth, and who, by their nurture and education of our children, are more than any other class moulding our national character. But, Sir, it is said that women desire to have the franchise, and the hon. Member for Manchester (Mr. Jacob Bright) points with triumph to the Petitions which have been presented in favour of his Bill. I will venture upon no rash assertions upon this matter, but will state solely what I believe to be facts. We are told that to these Petitions are attached some 240,000 or 250,000 signatures. I do not know how many of these are the signatures of women—possibly one-half—but, when we consider that by the Census of last year it was shown that in England alone there are more than 11,000,000 women, and in the United Kingdom upwards of 16,000,000, this number is no very overwhelming proof of the unanimous concurrence of women in the objects of this Bill. Moreover, it must be considered that when amiable and talented ladies of high position hold meetings throughout the country, and ask for signatures to Petitions in support of these views, the natural politeness of mankind is brought into play, and many people will sign out of compliment, who either care very little about the matter, or who do so in the full confidence that Parliament will never pass such a measure, and that their signatures will do no harm. But it is asked why there are no Petitions against the Bill? I think there is a reason for that also. My clients—for it is in behalf of the bulk of the women of England that I am arguing—have an indisposition to mix themselves up in politics, or to step out of what they consider their natural sphere. They are not fond either of agitating or signing Petitions. And,

Mr. Knatchbull-Hugessen

beyond that, having seen how Parliament has already met this question, and the decisive majority against last year's Bill, they are content to remain quiet, and to rely upon the calm judgment and good sense of Parliament to reject it again. No one can, of course, pronounce positively as to the feelings of women upon such matters; but I confidently appeal to the personal experience of every Gentleman who hears me—and I am sure it will not differ widely from mine—namely, that the opinions we hear expressed by women upon this subject are, in a very great proportion indeed, decidedly opposed to the provisions of this Bill. Sir, I hope that in making these remarks, I am not saying or implying anything which can fairly be termed unkind or disrespectful to those who take a contrary view. Such, indeed, is far from my intention. It is in the interest of the women of England that I oppose this Bill. I am against "woman's rights," because I wish to maintain woman's privileges, and I am confident that the granting of the one would seriously imperil the other. Sir, in the course of last year's debate upon this subject, I remember that the hon. Member for Manchester was pleased to refer somewhat contemptuously to what he called the "pedestal" or "pinnacle" argument. And, yet, I think there is something in that argument which cannot be dismissed with a sneer. Those who think with me, when they speak of placing women as it were upon a pedestal, attach a real and tangible meaning to our words. We regard woman as something to admire, to reverence, to love; and, while we would share with her the happiness of life, we would shield her, as far as possible, from its harder and sterner duties. You point to the many instances of cruelty and oppression on the part of men against women. No doubt, there are but too many such instances, but I do not know what cure this Bill would provide. These outrages are perpetrated by brutes unworthy of the name of man; and, indeed, the very scorn, the indignation, the disgust which they excite in the breast of every man worthy of the name, go far to prove the real high and tender estimation in which woman is held by the vast majority of mankind. Sir, to my mind woman is to-day, as much as she ever was in the history of the world, an object for

the devotion and chivalry of man. If I might venture upon a poetical image in this House, I would say that she is the silver lining which lights the cloud of man's existence; she softens the asperities of his nature; she elevates the enjoyments, as she assuages the miseries, of his being; she purifies his life here, and, perchance, renders him in some sort more fit for the Heaven for which he hopes hereafter! It is this view of the subject which you deride as the "pedestal argument;" but it will outlive both your derision and your theories. You may have on your side learned professors and enlightened philosophers of the modern school, but we also are not without our allies. We have the experience of ages; we have the common practice of the world since its creation; we have the teaching of Churches—aye, and I believe we have the good, practical common sense of the vast majority of English men and English women. We, then, will not be parties to placing woman in an entirely false position; we will not be parties to dragging her down into the arena of our every-day toil and strife; we will not inflict upon her additional unnecessary burdens and obligations; and it is because we believe that compliance with the demands embodied in your Bill would bring about such a result, because we believe that compliance with those demands would be fraught with evil to the other sex, and would be subversive of social relations which it would be a crime and a folly to disturb—that, whilst we admit the purity of your motives and the honesty of your intentions, we feel compelled to oppose to this measure a respectful but a determined resistance.

MR. BAILLIE COCHRANE said, the Bill itself was unexceptionable and plausible enough, simply asking, as it did, that women who had property should be allowed to vote; and if he were not thoroughly persuaded that it was only a step towards a much larger measure he should have been prepared to support it. For instance, the hon. Member for Manchester (Mr. Jacob Bright) did not hesitate to say that women ought to be admitted into the medical and legal professions; but if they were permitted to do so, it would be necessary to pass an Act for the abolition of flirtation. It was, therefore, of great importance that the House should consider what might

be the consequences of a Bill of this kind, since, as had just been said, the next demand might be that women should be allowed to vote for Members of Parliament, and then seek election as Members themselves. If, as an hon. Member had stated, there were nearly a million more women than men, in what position would the men be if legislative power were extended to women? In that contingency, perhaps, the present Representatives of the people would have to apply for admission to the "Gentlemen's Gallery." He remembered an anecdote to the effect that when the Bank of England was founded, one of the regulations provided that no Scotchman should be a member of the Direction, the reason assigned being that if one Scotchman became a Director all the other Directors would soon be Scotchmen; and he believed that if votes were given to the women of England the men would be left at home to rock the cradles and wheel about the perambulators. In short, coupling the Bill with the pamphlets written by women, which were on the tables of all hon. Members, it was clear that this measure was but the commencement of other changes, which would amount to a revolution. He was, moreover, certain that instead of effecting any reform, the measure would destroy the comfort of every home in the country, and eventually undermine the Constitution itself.

MR. OSBORNE MORGAN said, that although he had supported the Bill in previous Sessions, he intended to vote against it on the present occasion, and he should state, in a very few words, his reason for doing so. He did not attach much weight to the argument that the Bill would unsex women; but there was an argument which would have more weight in the division than prominence in the debate—namely, that to give votes to women would be a great Conservative gain, for he believed Thackeray was right when he said that every woman was a Tory at heart. However, he should not be influenced even by that argument, though in the present state of parties the Liberals could ill afford to give any advantage to their opponents; nor by the additional one, that the ladies would be sure to vote for the best-looking candidates—an argument which, no doubt, weighed with the hon. Member for Cork (Mr. Maguire) and other

Mr. Baillie Cochrane

hon. Gentlemen possessed of similar personal advantages. What had influenced him on the subject was, that in the course of four years he had only met with four women who wished for the franchise, or who would exercise it if it were granted to them; and he wished to put this experience against the number of Petitions which had been presented in favour of the Bill. He was convinced that Parliament ought not to legislate on a mere abstract principle, for men could not live by logic alone. It was undoubtedly a fact that English women did not want to have the franchise, and even if this were a woman's question, he had a right to ask who the women were that desired this change, and for what reason? The Bill was advocated only by a small knot of earnest women, who had been brooding over real or imaginary wrongs for so long a period that they were unable to regard any question from any other point of view. Such were the women who originated and sustained the miserable agitation for the repeal of the Contagious Diseases Acts—an agitation which assumed such a form, that it was a disgrace to the country, as it flooded gentlemen's breakfast tables with abominable literature, not addressed to themselves only, but also to their wives and daughters. No doubt, there were other women who desired the change, but they were all women of one idea, who had worked themselves into the belief—a most erroneous one, as he believed—that that House, as at present elected, was disposed to ignore the just claims of women. If the franchise were given to these women there would be a new party in the House. There would then be a women's party—a Home Rule party in a new sense of the word, and there would be not merely war of opinions, or of races, or of creeds, but likewise a war of sexes. If he could believe that a large portion of his countrywomen desired this change, on national grounds and for national purposes, he would give to their application a willing and a patient hearing; but he could not consent to make a revolution for the sake of a handful of fanatics.

MR. HERON said, he should support the second reading of the Bill. All persons entitled by property to the franchise should be allowed to vote, unless they were disqualified by want of intel-

ligence. Women now in England voted at municipal elections, voted for Poor Law Guardians, for churchwardens, voted as members of the great public companies, voted at the election of the school boards, and were themselves among the most efficient members of the school boards. Women voted as proprietors of Bank of England Stock, and formerly voted as proprietors of India Stock. The question was virtually conceded when women were allowed to vote at the school board elections and municipal elections. In Italy women were allowed to exercise the franchise, on the condition that they would exercise it through a deputy. Was there any reason for their exclusion from Parliamentary elections? The women who had the qualifications to entitle them to the franchise were better educated, more quiet, and sober in judgment than the average of Parliamentary electors. Women, physically weaker by nature and less favoured by law, had to fight the battle of life in the face of obstacles more formidable than those which beset the paths of men. And if in the pursuits of life open to women, women were earning the bread of independence, it was by the industry, self-denial, perseverance, and good conduct, which were the noblest features of national character. In the progress of society in the free industrial life of England, the number of independent women were increasing every day, supporting themselves as teachers, writers, painters, workers in every trade, artists in every art. Why, then, should the women voters—themselves as a class the best educated and best conducted amongst those entitled to the franchise—be excluded, upon the illogical argument that half of the human race were by nature, and ought by law, to be deprived of political privileges? They admitted representation ought to be co-extensive with direct taxation. Women were directly taxed. All their recent Parliamentary reforms were founded on the principle that the suffrage was needed by large classes of individuals for self-protection. Was it necessary to give the instance of Edinburgh University? There, a few women of great ability desired to be instructed as medical practitioners—desired to learn the practice of those arts of medicine and surgery which every lady cultivated in the days of chivalry; but Government and Parlia-

ment were silent whilst those ladies fought their battle alone against a powerful, first-class professional trades union. Women, therefore, asked for the Parliamentary suffrage, because they had a right to have their best interests politically represented, and because they paid in common with men, the taxes of the State, and they believed they had a constitutional right slightly to influence the making of the laws which they must obey. They had to meet, then, the prominent arguments against women's suffrage. They were of two classes, partly selfish and partly sentimental. It was said women ought to be placed on too high a pedestal to be dragged through the mire of a contested election. Politics involved trouble, and there were many most unpleasant things connected with politics—the riot on the nomination, the riot on the polling day—but the Ballot would moderate the excitement of the election. They disliked the nomination day themselves, and it would be abolished. And those who said it was unfeminine for a woman to give a public vote should remember the unpleasant occupations to which women had been allowed to devote themselves. Had not women been allowed to work in mines? Did they not brave all weathers as stewardesses on ocean steam vessels? Were they not left all menial work inside and outside the house—the sale of fish from door to door, and internal domestic slavery? Then, it was said women had sufficient power. A man's wife was very often the real prompter of what he did in the world, either foolishly or wisely. She was not accountable for the one, and got little credit to the other. Again, it was said disunion in families would be caused by the domestic head of the family no longer being allowed to be the political head, but it was not proposed to give the franchise to married women. The Bill only gave the franchise to spinsters and widows, and they left the question who was the head of the house to be decided in the ordinary manner. He passed over the arguments that a woman had not a logical mind. Were they to go into the question who was able to follow in a logical argument? Should women be allowed a voice in the legal question as to who should have the custody of children? Should women be allowed to vote on the question of a free breakfast table, and questions as to the

property of married women? Then there was the historical question. In the Middle Ages woman was not disqualified from any of the offices incident to the tenure of real property. She might be the Returning Officer at an election, Sheriff of a county, or the warden of a castle. The exclusion from the franchise in one remarkable way worked a grievous injustice on some estates. Widows were evicted from the farms their husbands cultivated, because the political influence would be diminished if the vote were lost. The last adverse argument to which he would refer was the purely sentimental argument. The ideal of some was that home should be adorned by beings charming and submissive, having no will of their own, not giving the slightest trouble. The opinions of the Eastern Patriarch were cited as a rule for life in Western Europe in the 19th century. Some persons might desire to imitate the wisdom of Solomon, but society had completely changed. They did not accept the antiquated idea of the subjection or slavery of women in the Patriarchal times as their rule of conduct. They did not accept either Patriarchal, or Spartan, or Athenian, or Roman ideas on the subject. In all those there was something to be imitated, far more to be avoided. In old times representative government did not exist, and most women shared the common lot of slavery. They did not recognize the dogmas of the physical subjection of women or her moral inferiority. Even in this agitation women had displayed the eloquence with which they were by nature gifted. Let equal political rights be given to those who contributed not the least to the happiness and prosperity of the Empire.

MR. BERESFORD HOPE said, he regarded the Bill as belonging to the peculiarly dangerous class of those which were professedly moderate in their apparent object, while the arguments on which they were supported took a much wider scope. Ostensibly a Bill for the enfranchisement of the spinsters and widows with a stake in the country, it was advocated on the ground of the wrongs of women without property, especially of married women. It would be idle, therefore, to suppose that the agitation for women's rights would be stayed by the success of this measure; for the most bitter agitations had gene-

rally small and apparently innocent beginnings, though they might end in a blazing capital. In arguing the question he declined to consider its possible bearings on the balance of parties, although politics, according to some hon. Members on both sides of the House, consisted in the judicious or injudicious counting of votes, and in calculating the chances of the next General Election. Hence, some were urged to vote for the Bill on the ground that women were naturally Conservatives. Whether that was the case he did not know, but he was sure that the very qualities which made women the solace of our homes, the very qualities which gave them their real power, unfitted them for the hard fight of politics. It was very well in families that hard, calculating, perhaps mercenary man should be influenced by woman's sympathy and consolation. It was well that in a large portion of humankind the heart should rule the head, but to give that portion an independent and directly appreciable control of politics would lead to a reckless expenditure on philanthropic schemes and to wars for ideas. A Parliament in which woman's influence prevailed would be impulsively ready to risk claims and back up assertions which would be ever on the verge of culminating in bloodshed for the sake of honour and mistaken chivalry. His right hon. Friend the Member for Kilmarnock (Mr. Bouverie) had been charged with arguing that women's votes would lead to a cowardly policy. He understood him to have said the contrary, and with that view he had expressed his agreement. As to the call for this perilous change, a few ladies might condescend to mingle in the fray of politics, but he did not believe women in general would so unsex themselves, while overflowing meetings in St. George's Hall could not alter the limits which God had placed between the sexes. The hon. Member for Cork (Mr. Maguire) had drawn a lively picture of women's influence in elections, and had proved, what no one doubted, how persuasive a tongue he brought with him among the ladies. But his lively pictures of electioneering through the women had all reference to our present system of masculine voting. Let the House conceive, if it could, how the process would be intensified if the women got direct votes. If an elector's wife could already be so influential,

Mr. Heron

what would be the case if Biddy O'Grady were herself the elector, and brought Mary Shaughnessy with her to the poll? With all the hon. Gentleman's eloquence and popularity, he would find himself the director of an enormous power, if he could sway the suffrages of the fair daughters of Erin, within sound of

"The bells of Shandon,
Which sound so grand on
The pleasant waters of the Lee."

How far such a power would, if it succeeded, tend to the furtherance of a stable and logical policy, he (Mr. Beresford Hope) left the House to judge. The hon. and learned Member for Tipperary (Mr. Heron) had urged that the exclusion of women from the franchise had deprived them of the tenancy of farms; well, no one could more strongly repudiate than himself importing political combinations into the business relations of landlord and tenant, but that argument had no relevancy, unless it implied that the tenant's vote was the property of the landlord. Now, as he objected to such undue influence, whether exercised by landlords or trades unions, he could not, like the hon. and learned Member, support this Bill as a process of keeping up women-tenants, with the intention of their being women-voters also, voting in the sense of their landlords. He presumed that advocates of the Ballot wished by means of this Bill to ascertain whether secrecy could be preserved if the fairer portion of the community were allowed votes. Under the Ballot it was clear that married women ought not to be treated exceptionally. The argument that their votes would be influenced by their husbands could not be urged by advocates of the Ballot, for on their own showing the votes would be secret, and would, therefore, be free from the husband's influence. Either the Ballot was the sham he had always believed it to be, or married as well as unmarried women ought to be entrusted with the franchise. Another objection to the Bill was that it would encourage the manufacture of faggot-votes, for by the easy process of giving a woman a rent-charge a county vote could be created. Considering the trickery which prevailed and which would always prevail in elections, it was obvious that the production of faggot-votes would be increased if unmarried women could be employed as the medium of the

manufacture. The natural courtesy with which, as he hoped, we should always treat women, would check the rough and ready comments with which a flagrant creation of such faggot-votes was now met. The agents would see their opportunity and stuff their faggots with women; and so the constituencies would be extended and denaturalized to an extent of which hon. Members had little forethought. As to women's votes in municipal and school-board elections, the municipal franchise was extended to them by a Bill which slipped through the House in the small hours of the night; and though in the case of the school boards the thing was done deliberately, it must be remembered that these local bodies had limited the definite objects for which they existed, whereas Parliament was vested with the immeasurable Government of the Empire and with questions of peace and war over the world. If women enjoyed the Parliamentary suffrage, they surely ought to serve on juries, a duty from which many of the other sex would gladly be relieved. He opposed the Bill as the offspring of a narrow, fictitious, and noisy agitation.

THE ATTORNEY GENERAL: This is a question which appeals to the judicial faculties of the House, and I certainly am not disposed to embark upon the large and sentimental questions which have been imported into the discussion of it. I trust the House will allow me to state why I, regarding the matter from a legal point of view, am about to support the second reading of the Bill. The Bill recommends itself to me because it asserts a principle, not an abstract principle, but a practical and correct principle, based upon a matter of fact. The principle asserted by the Bill I take to be this—that the women whom it proposes to enfranchise are, as a matter of fact, at least as much entitled to the exercise of the franchise it confers upon them as the men who are now to exercise it. I do not mean to embark upon a discussion of the abstract question of the rights of women, I will confine myself to the question before the House, and I think there are substantial reasons why, upon the simple issue before us, the verdict of the House should be given in favour of the second reading. Now, it seems to me that upon the question as to whether women are disabled by their sex from political rights, it is difficult for us Eng-

lishmen under the English Constitution to return a negative answer. We live under a female Sovereign, upon whose character and whose reign it would not be becoming to say a word; but we live also in a country whose history has been distinguished by two reigns as remarkable in intellect and art, in politics and war, as any on the long roll of English Monarchs, and those two reigns were the reigns of female Sovereigns. I of course refer to Queen Elizabeth and Queen Anne. And upon the authority of others far more competent to speak to this matter than myself, I am able to say that at this moment if you go to India and the East, and if you find any native State peculiarly well governed in an enlightened way, and governed strongly, energetically, and sensibly, you will, as a general rule, find that State to be under female domination. If in one or two instances, then, it be true that the Asiatic woman is fit for the exercise of the highest political functions under circumstances where education, religion, the popular feeling of the country, and every other condition is unfavourable to the development of the intellectual capacity of the sex, that is an answer to any argument derived from the nature of woman, simply as woman, against her being entrusted with the discharge of other lesser political functions. I do not want to overstate the argument in the least, so that I would not assert that all women are, in matters of intellect and political capacity, equal to all men. I do not mean to say that any women that ever lived are equal to some men of former times. I do not think that to be true, and I do not argue it; but I do say that, as far as I am competent to judge, there are large classes of educated women in this country to whom you deny the franchise, who are at least as fit for the exercise of it as uneducated men, and large classes of men to whom we already give it. This being a question of fairness and justice, I will not be deterred from giving a vote which I think to be just, by jokes and arguments which my hon. Friend will forgive me for saying, are addressed rather to the prejudices and the sentiments of the House than to its reason and sense of justice. Now, Sir, let me give you an illustration of this. I have already mentioned the two great and distinguished female Sovereigns of England. It may be said with

The Attorney General

regard to the reign of Elizabeth that she was one of the few great women of the world, that there are few such, and that it would be unfair to argue from an exception. I grant it, and I pass by Queen Elizabeth. But take the case of Queen Anne. I take it, as far as I know history, that Queen Anne was a person of exceedingly ordinary capacity. I do not mean to say, therefore, that she was equal to Edward I., or Henry VII., or William III.; but I do say that Queen Anne was as fit to sit on the Throne of England as George I. And I say that she was a great deal more fit to sit on the Throne than George IV. If that be so, it seems to me we have no right to make a sort of compromise with justice, and to say that because we give to women the highest of all political functions to discharge, we can deny her as woman the exercise of any others. But I will not hesitate to say that, passing from the question of fitness of women, I vote for this Bill for another reason. I have perfect faith, and I say it sincerely in the wisdom and justice of Parliament; and I believe that when measures are shown to be unwise and unjust, and when laws which are shown to be unjust are brought before Parliament, Parliament will reject those measures, and will alter those laws. I can scarcely believe that if the House of Commons was as much aware, as every lawyer is aware, of the state of the law of England as regards the property of women, even still and after the very recent humane improvements in it, it would hesitate to say it was more worthy of a barbarian than of a civilized State. If that be so, I do not think the wisdom of Parliament will be darkened, nor the justice of Parliament slackened, because those who appeal to that wisdom are entitled to be heard by reason of the possession of something like political power when they come forward to ask for justice. I believe fully that after a certain number of years the law, which I regard in many respects as wholly indefensible, will be altered. As it is I believe the sense of justice on the part of the men, if they are once aroused to it and convinced of the injustice, will in time bring about the reform needed; but I believe this reform will not be brought about so fast as it would if we put into the hands of those who suffer from this injustice some share of political power. Therefore, Sir, while I admit I do not question

the justice of Parliament or the right intentions of hon. Members, I submit that the constitutional means of remedying injustice is by influencing Members of Parliament in a constitutional way. Now, what is the objection to empowering women to vote? It cannot be said that it is lack of education. It cannot be put upon anything apart from a question of sex. It is said they are unfit for the exercise of this privilege because they are women, not because if they were not women they would be unfit, but they are unfit because they are women. To tell me you are to vote against this Bill because you do not think women as women are entitled to be enfranchised may be your opinion, but it is no argument. It is not perhaps your fault that you cannot advance a better reason; you may have difficulty in advancing a practical argument, and you cannot offer any evidence in support of your statement that women as women are unfit to exercise the Parliamentary franchise. The only evidence we have upon that subject tells against you. You have entrusted women with *quasi*-political duties. You have given them a voice in parochial and municipal affairs, and their proceedings have led to a satisfactory result. They can now vote in municipal elections but not in Parliamentary. It is not necessary for me to see, in order to assure myself that they may be fit for exercising the franchise—to vote for a Member of Parliament—that they should be also, if the question arises, fit to sit in Parliament. My answer to that question, if put now, is that, in my opinion, they are not fit; but it is unfair to say you are not to exercise the privilege for which you are fitted, because some years hence you may ask to be admitted to a privilege for which you are not fitted. I am content to ask—Are women in my judgment fit for the privilege they now ask you to give them? My answer is that they are. You are no more flying in the face of nature by allowing a woman having property to vote for a Member of Parliament than flying in the face of nature to allow a woman to vote for a town councillor or a member of a school board. It will be time enough to consider whether women are fit for other positions than this they now ask to be placed in when they make a new demand. At present we have to decide only this question, and it is absurd to endeavour to influence the decision by issues which

VOL. CCXI. [THIRD SERIES.]

may never be submitted to the House. We have been warned too. One hon. Member has recommended us to be careful lest this measure which has been introduced as independent of party, should tell against us as a party. I do not know whether women are Conservative or not. At any rate, I believe their tendency in that direction to be greatly exaggerated, and I object to decide questions of this kind on party considerations. It is right in itself, or wrong in itself, to pass this Bill; and if it is right, it should be passed. Probably women would be disposed to show their gratitude to those who had assisted them to procure the franchise, just as the borough voters had done; but whatever the fact, it is the duty of the House to do what it thinks right and just. These things must be judged according to the nature of the question before us. The nature of the question before us seems to me to be that these persons are entitled to vote, and therefore I should confer the right to vote upon them.

SIR CHARLES ADDERLEY said, he must protest against the doctrine into which the hon. and learned Gentleman's gallantry had carried him, that the comparative intellectual capacity of men and women should be a criterion in this case. The logical consequence of the hon. and learned Gentleman's argument and of his historical precedents would be that men should be disfranchised and women enfranchised, and that there should be an anti-Salic law, so that females might always reign. He doubted whether such a course would be for the benefit of the country. It was, moreover, dangerous to argue that because women were qualified for Sovereignty they were fit for other political offices, for it would follow that they were fit to sit in this House. He (Sir Charles Adderley), however, was really of opinion that it was a question of property only. The basis of representation in this country was not intellectual capacity, but property; and his reason for supporting the Bill was, that property ought not to be disfranchised because it happened to be held by women.

THE ATTORNEY GENERAL FOR IRELAND (Mr. Dowse) said, he did not agree with the observations which his hon. and learned Friend (Sir John Coleridge) had made in support of this Bill. He (Mr. Dowse) intended to vote

D

against the Bill, and to give his reasons for voting against it. In 1870 he voted for the Bill; in 1871 he recorded a silent vote against it, and on the present occasion, with the kind permission of the House, he would explain why he intended to vote against it again. He was not ashamed to own, after a re-consideration of the matter, that he was wrong when on a previous occasion he voted for the Bill. He was partly influenced last year in the conclusion at which he arrived by the passing of the Married Women's Property Bill, which had entirely altered the position of women with regard to their husbands. That Bill provided that if any freehold estate descended to a woman after her marriage, she would be seized of it for her separate use, and that her receipts alone should be a full discharge. That being so, he was opposed to this Bill, because, having regard to the present state of the law, he did not know what the Bill meant, and because the proposer of it did not know what it meant. He was opposed to it, moreover, because nobody had stated what it meant. Under the Bill as it stood, with the conjoint operation of the Married Women's Property Act, a married woman might have a vote. ["No, no!"] If his hon. Friend the Member for Manchester did not wish to give a married woman a vote, why did not he say so in the Bill? It was a mere skeleton of a Bill, which in Committee might be clothed with flesh, and have blood infused into its veins, but he objected to such measures. This Bill was like the Highlander's gun—it would be a very good gun, if it only had a new stock, lock, and barrel. He objected most emphatically to changes of this kind being taken up, and valid objections treated as mere questions of detail, for the details of the Bill constituted a great and important question with which the House was brought face to face, and not a matter of detail alone. He listened to the speech of his hon. and learned Friend the Attorney General with a great deal of pleasure for one reason, because he found it so easy to answer. His hon. and learned Friend informed them that under Queen Anne the nation was distinguished in literature and scholarship, and, therefore, he supported the Bill; but he had yet to learn that Joseph Addison was a great writer because Queen Anne was a woman, or that the Augustan age

The Attorney General for Ireland

of English literature would not have been as distinguished if a woman had not been on the Throne. And it took its name, by-the-by, not from Augusta, but from Augustus. If Queen Anne could only be present at that debate, with all the knowledge she had acquired in the meantime, he had no doubt she would vote against this Bill. The speech of his hon. and learned Friend drifted in the direction of the argument that if we had a female Sovereign, we might have a female Chief Justice, a female Attorney General, a female Speaker, a female Leader of the Opposition, and a female Prime Minister; and because this Bill was drifting into that, he (Mr. Dowse) did not see his way to voting for it. He was quite aware that many a Judge had been an old woman; but that was no reason why every old woman ought to be a Judge. The hon. Member for Cork (Mr. Maguire), in a pleasant book, had foreshadowed the future, and had only allowed 20 years to elapse till female Members would be sitting in this House; and one of the number figured in a sketch of that agreeable novelist, as possessed of winning ways which made her a most efficient whip. Everything tended to show that they could not stop with this fragment, but must take it as part of a great and momentous question. He wished thus to consider it, and to give his vote on that ground. It was because he did not desire to see women placed in a different sphere to that which they now occupied in this country, that he should vote against the second reading. Again, there was no demand for that Bill among the class of women who had a right to represent and speak for their sex, and who knew and valued their position as Englishwomen. In the evening after he voted for the Bill in 1870, he saw a lady and told her—"I have been working for your cause to-day; I have been endeavouring to remove the electoral disabilities of women;" and what was her answer?—"You might easily have been better employed." He believed that was the opinion of the great majority of women. In his opinion, the Bill was bad in form and bad in substance, and he should, therefore, vote against it.

MR. J. S. HARDY said, he had voted for the Bill last Session; but not having heard anything said in favour of it by any of his constituents, he thought

it his duty now to vote against it, and not to thrust a duty upon women which they did not desire.

MR. W. FOWLER said, although he felt strongly that, on many points, the law was unfair to women, that was no reason why he or the House should vote for this ill-considered and incomplete Bill.

LORD HENRY SCOTT said, he could not support the Bill, because it had been re-introduced this year in the same form as last year, and would give a franchise to women in every respect the same as to qualifications as was given to men under the existing law, and that that would go far beyond the principle of the representation of property, on which ground alone he had supported the general proposition of last year.

MR. JACOB BRIGHT, in reply, said, that the words of the Bill were almost identical with those which gave the municipal vote to women, and it had been decided that when a woman married she no longer possessed the municipal vote. He was not afraid, therefore, that this Bill would give the franchise to married women; but if that were the case, the question would be one for consideration in Committee.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 143; Noes 222: Majority 79.

Words added.

Main Question, as amended, put, and agreed to.

Bill put off for six months.

AYES.

Adderley, rt. hon. Sir C. Cawley, C. E.
Allen, W. S. Chadwick, D.
Amphlett, R. P. Charley, W. T.
Anderson, G. Cholmeley, Captain
Anstruther, Sir R. Clifford, C. C.
Bagwell, J. Coleridge, Sir J. D.
Bateson, Sir T. Corrigan, Sir D.
Bazley, Sir T. Cowen, Sir J.
Beaumont, S. A. Cowper - Temple, right
Beresford, Lt.-Col. M. hon. W.
Birley, H. Cubitt, G.
Blennerhassett, R. (Kry.) Dalglish, R.
Brewer, Dr. Damer, Capt. Dawson-
Brookhurst, W. C. Davie, Sir H. R. F.
Browne, G. E. Delahunty, J.
Buckley, N. Denman, hon. G.
Callan, P. Dickinson, S. S.
Cameron, D. Digby, K. T.
Campbell, H. Dilke, Sir C. W.
Carter, R. M. Dimsdale, R.

Dixon, G.
Downing, M^cC.
Elliot, G.
Ewing, H. E. Crum-
Ewing, A. O.
Fawcett, H.
Fitzmaurice, Lord E.
Fletcher, I.
Fordyce, W. D.
Forester, rt. hon. Gen.
Forster, C.
Fortescue, hon. D. F.
Fowler, R. N.
Gavin, Major
Goldsmid, Sir F.
Gourley, E. T.
Graham, W.
Gray, Sir J.
Grieve, J. J.
Grosvenor, hon. N.
Hadfield, G.
Hanbury, R. W.
Harris, J. D.
Herbert, hon. A. E. W.
Heron, D. C.
Hibbert, J. T.
Hoare, Sir H. A.
Hodgkinson, G.
Hoskyns, C. Wren-
Howard, J.
Hunt, rt. hon. G. W.
Illingworth, A.
Jenkinson, Sir G. S.
Johnston, W.
Johnstone, Sir H.
Jones, J.
Kennaway, J. H.
Kinnaird, hon. A. F.
Knightley, Sir R.
Lambert, N. G.
Lancaster, J.
Langton, W. G.
Lawson, Sir W.
Lea, T.
Lewis, H.
Liddell, hon. H. G.
Lusk, A.
MacEvoy, E.
Macfie, R. A.
McCombie, W.
McLagan, P.
McLaren, D.
Maguire, J. F.
Mahon, Viscount
Manners, rt. hn. Lord J.
Mellor, T. W.
Melly, G.
Miller, J.
Mitchell, T. A.
Morley, S.
Morrison, W.
Mundella, A. J.
Muntz, P. H.
Neville-Grenville, R.
Northcote, rt. hn. Sir S. H.
Ogilvy, Sir J.
Palmer, J. H.
Pender, J.
Playfair, L.
Plimsoll, S.
Potter, T. B.
Powell, W.
Price, W. E.
Rathbone, W.
Redmond, W. A.
Robertson, D.
Rylands, P.
Samuelson, H. B.
Selwin - Ibbetson, Sir
H. J.
Shaw, R.
Sherlock, D.
Sherriff, A. C.
Sinclair, Sir J. G. T.
Smith, E.
Smith, J. B.
Smyth, P. J.
Stacpoole, W.
Stansfeld, rt. hon. J.
Straight, D.
Sykes, Colonel W. H.
Talbot, C. R. M.
Taylor, rt. hon. Colonel
Taylor, P. A.
Torrens, W. T. M^cC.
Trelawny, Sir J. S.
Trevelyan, G. O.
Villiers, rt. hon. C. P.
Wedderburn, Sir D.
Wells, E.
West, H. W.
Wheelhouse, W. S. J.
Whitworth, T.
Williams, W.
Wingfield, Sir C.

TELLERS.

Bright, J. (Manchester)
Eastwick, E. B.

NOES.

Adair, H. E.
Adam, W. P.
Akroyd, E.
Amcotts, Colonel W. C.
Amory, J. H.
Annesley, hon. Col. H.
Arbuthnot, Major G.
Archdale, Capt. M.
Armitstead, G.
Assheton, R.
Ayrton, rt. hon. A. S.
Aytoun, R. S.
Bailey, Sir J. R.
Baker, R. B. W.
Barclay, A. C.
Baring, T.
Barnett, H.
Barrington, Viscount
Barttelot, Colonel
Baas, A.
Bates, E.
Beach, Sir M. Hicks-
Beaumont, W. B.
Bentall, E. H.
Bentinck, G. C.
Bentinck, G. W. P.
Bolckow, H. W. F.
Bonham-Carter, J.

Bowring, E. A.
 Brady, J.
 Brassey, H. A.
 Brassey, T.
 Brinckman, Captain
 Broadley, W. H. II.
 Brooks, W. C.
 Bruce, rt. hon. Lord E.
 Bruce, rt. hon. II. A.
 Buckley, Sir E.
 Burrell, Sir P.
 Bury, Viscount
 Butler-Johnstone, H. A.
 Candlish, J.
 Cardwell, rt. hon. E.
 Carington, hn. Capt. W.
 Cartwright, F.
 Cave, rt. hon. S.
 Cavendish, Lord F. C.
 Cavendish, Lord G.
 Child, Sir S.
 Childers, rt. hn. H. C. E.
 Cholmeley, Sir M.
 Clay, J.
 Clive, Col. hon. G. W.
 Clowes, S. W.
 Cochrane, A. D. W. R. B.
 Cogan, rt. hon. W. H. F.
 Cole, Col. hon. II. A.
 Colebrooke, Sir T. E.
 Colman, J. J.
 Conolly, T.
 Craufurd, E. H. J.
 Crawford, R. W.
 Crichton, Viscount
 Croft, Sir H. G. D.
 Cross, R. A.
 Dalrymple, C.
 Dalrymple, D.
 Davenport, W. Bromley-
 Dense, E.
 Dent, J. D.
 Dick, F.
 Dowdeswell, W. E.
 Dowse, rt. hon. R.
 Duff, R. W.
 Duncombe, hon. Col.
 Dundas, F.
 Du Pre, C. G.
 Eaton, H. W.
 Edwards, II.
 Egerton, hon. A. F.
 Egerton, Capt. hon. F.
 Egerton, Sir P. G.
 Egerton, hon. W.
 Enfield, Viscount
 Ennis, J. J.
 Erskine, Admiral J. E.
 Eykyn, R.
 Fielden, J.
 Floyer, J.
 Foljambe, F. J. S.
 Forde, Colonel
 Foster, W. H.
 Fowler, W.
 Galway, Viscount
 Garlies, Lord
 Gladstone, W. H.
 Glyn, hon. G. G.
 Goldamid, J.
 Gore, J. R. O.
 Gore, W. R. O.

Gower, hon. E. F. L.
 Graves, S. R.
 Greene, E.
 Gray, rt. hon. Sir G.
 Grove, T. F.
 Guest, M. J.
 Hamilton, Lord C. J.
 Harcourt, W. G. G. V. V.
 Hardy, rt. hon. G.
 Hardy, J.
 Hardy, J. S.
 Headlam, rt. hon. T. E.
 Henley, rt. hon. J. W.
 Henley, Lord
 Heygate, Sir F. W.
 Hodgson, K. D.
 Holford, J. P. G.
 Holland, S.
 Hope, A. J. B. B.
 Horsman, rt. hon. E.
 Hughes, W. B.
 James, H.
 Johnston, A.
 Kavanagh, A. MacM.
 Kay-Shuttleworth, U. J.
 Kekewich, S. T.
 Kingecote, Colonel
 Knatchbull - Hugessen,
 E. H.
 Knox, hon. Colonel S.
 Lacon, Sir E. H. K.
 Laird, J.
 Lawrence, Sir J. C.
 Lawrence, W.
 Learmonth, A.
 Leatham, E. A.
 Legh, W. J.
 Lennox, Lord G. G.
 Lewis, J. D.
 Lindsay, hon. Col. C.
 Lindsay, Colonel R. L.
 Locke, J.
 Lopes, H. C.
 Lowther, hon. W.
 Lyttelton, hon. C. G.
 Mackintosh, E. W.
 M'Arthur, W.
 M'Mahon, P.
 Marling, S. S.
 Matthews, H.
 Mills, C. H.
 Mitford, W. T.
 Monckton, F.
 Monckton, hon. G.
 Monk, C. J.
 Morgan, C. O.
 Morgan, G. Osborne
 Mowbray, rt. hon. J. R.
 Muncaster, Lord
 Murphy, N. D.
 Newdegate, C. N.
 Newport, Viscount
 Nicholson, W.
 North, Colonel
 O'Connor, D. M.
 O'Connor Don, The
 O'Loughlin, rt. hon. Sir
 C. M.
 O'Reilly-Dease, M.
 Pakington, rt. hn. Sir J.
 Palmer, Sir R.
 Parker, Lt.-Colonel W.

Patten, rt. hon. Col. W.
 Pease, J. W.
 Peel, A. W.
 Phillips, R. N.
 Phipps, C. P.
 Pim, J.
 Plunket, hon. D. R.
 Portman, hon. W. H. B.
 Potter, E.
 Raikes, II. C.
 Ridley, M. W.
 Russell, A.
 Salomons, Sir D.
 Salt, T.
 Samuda, J. D'A.
 Seymour, A.
 Simonds, W. B.
 Smith, A.
 Smith, F. C.
 Smith, R.
 Smith, S. G.
 Somerset, Lord H. R. C.
 Stanley, hon. F.
 Steere, L.
 Stone, W. H.
 Storks, rt. hon. Sir H.K.
 Strutt, hon. II.
 Stuart, Colonel
 Talbot, J. G.

Thynne, Lord H. F.
 Tite, Sir W.
 Tollemache, Major W.F.
 Torrens, R. R.
 Tracy, hon. C. R. D.
 Hanbury-
 Turner, C.
 Turnor, E.
 Vandeleur, Colonel
 Verney, Sir H.
 Vivian, H. H.
 Walpole, hon. F.
 Watney, J.
 Weguelin, T. M.
 Welby, W. E.
 Wells, W.
 Whatman, J.
 Whitwell, J.
 Williams, Sir F. M.
 Winn, R.
 Winterbotham, H. S. P.
 Wyndham, hon. P.
 Wynn, C. W. W.
 Wynn, Sir W. W.

TELLERS.

Bouverie, rt. hon. E. P.
 Scourfield, J. H.

ENDOWED SCHOOLS AND HOSPITALS (SCOTLAND).

Resolved, That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to issue a Royal Commission to inquire into the nature and amount of all endowments in Scotland, the funds of which are wholly or in part devoted, or have been applied, or which can rightly be made applicable to educational purposes, and which have not been reported on by the Commissioners under the Universities (Scotland) Act, 1858; also to inquire into the administration and management of any Hospitals or Schools supported by such Endowments, and into the system and course of study respectively pursued therein, and to Report whether any and what changes in the administration and use of such Endowments are expedient, by which their usefulness and efficiency may be increased.—(Sir Edward Colebrooke.)

House adjourned at ten minutes before
Six o'clock.

HOUSE OF LORDS,

Thursday, 2nd May, 1872.

MINUTES.]—PUBLIC BILLS—*Second Reading*—
 Intoxicating Liquor (Licensing) (78).
Committee—Royal Parks and Gardens * (79).
Committee—Report—Alteration of Boundaries of
 Dioceses * (84).

TREATY OF WASHINGTON.
 TRIBUNAL OF ARBITRATION (GENEVA).
 THE INDIRECT CLAIMS.
 THE CORRESPONDENCE.
 OBSERVATIONS.

EARL GRANVILLE: My Lords, seeing in his place my noble Friend (the Earl of Derby) who, on Tuesday evening, put a Question to me respecting the receipt of the answer of the United States Government to my Letter of the 20th of March, I beg to inform the House that yesterday afternoon General Schenck read to me and gave me a copy of a despatch from Mr. Fish to himself, dated 16th of April. I think it right to inform your Lordships that, taking the despatch by itself, it does not afford a solution which would remove the unfortunate misunderstanding which has arisen. If I only had regard to that despatch, I should not feel that Her Majesty's Government were justified in further delaying the production to Parliament of the whole of the Correspondence: but I may state, though I cannot give a precise assurance to Parliament, that I have grounds, and Her Majesty's Government have grounds, to hope that an arrangement satisfactory to both countries will be come to. I beg to express my thanks and the thanks of my Colleagues, for the forbearance your Lordships have shown under circumstances, I admit, of a trying character. I have no hesitation in saying your forbearance has very much assisted Her Majesty's Government in their efforts to come to a satisfactory arrangement; and I hope I am not going too far in expressing a hope that this forbearance will be continued for a few days longer by your Lordships' House.

LORD CAIRNS: I may observe that there is a Notice of a Motion for next Monday which may raise a discussion on the question to which the noble Earl has referred. I am sure, therefore, that the House would be anxious to know what number of days the noble Earl asks to be suffered to elapse before such a discussion should take place.

EARL GRANVILLE: I am quite sure the noble and learned Lord must be aware that when negotiations of this informal character are going on it is impossible to say in what number of days an arrangement perfectly satisfactory in substance and details may be come to. All I can say is that Her Majesty's Go-

vernment are fully sensible of the grave responsibility under which they lie in respect of this important matter; and the House may be sure there will be no delay beyond that which the Government may consider necessary for the interests of the public service.

INTOXICATING LIQUOR (LICENSING)

BILL—(No. 78.)

(*The Earl of Kimberley.*)

SECOND READING.

Order of the Day for the Second Reading read.

THE EARL OF KIMBERLEY said, after the length at which he had explained the provisions of the Bill on the first reading, he would merely say that in consequence of certain enactments respecting beerhouses being of a temporary character, provisions would have to be introduced to meet the case of those expiring enactments.

Moved, "That the Bill be now read 2^d."
 —(*The Earl of Kimberley.*)

THE DUKE OF RICHMOND: My Lords, as I have had an opportunity of looking through the provisions of this Bill since it was printed and distributed, I wish to offer a few remarks on the subject. As the Bill was not before us when the noble Earl (the Earl of Kimberley) made his statement, it was impossible to follow him through all the details, notwithstanding the great ability and clearness of his speech; and I am not, I think, guilty of exaggeration when I say that the subject of which this Bill treats is one of the last importance, affecting, as it does, almost every class of the community. This Bill deals with the interests of the numerous and wealthy traders who have embarked their capital in the liquor trade, and I need scarcely say that it also affects the interests of a very large portion of the poorer members of society. And here, my Lords, I would express a hope that in legislating for the moral improvement of our poorer fellow-countrymen we shall at the same time show that we are desirous not to interfere with their comforts or with the wants of their every-day life. My Lords, I hope the noble Earl (the Earl of Kimberley) will forgive me for remarking on the form in which this Bill was introduced in your Lordships' House. He took a course which I think

was somewhat inconvenient; for though I am aware it is a perfectly regular course, and has been adopted on many occasions, I do not think it was a satisfactory course in the case of a Bill of this importance—I mean the course of introducing the Bill in “dummy.” Your Lordships will remember that the noble Earl came down one evening and stated that he intended to introduce on the following evening a Bill having reference to the licensing question. Under the circumstances, therefore, I do not think the course taken with respect to this Bill was a convenient one, seeing that the noble Earl made an elaborate statement, not only of its scope and bearing, but of its details, on the 16th of March, and that it was not printed till the 24th. The noble Lord, as I have remarked, introduced this Bill in “dummy” on the 16th of March, which, by a curious coincidence, happened to be the day preceding that on which a Bill on the same subject, introduced in the other House of Parliament by the hon. Member for Essex (Sir Henry Selwin-Ibbetson), stood for second reading. One can almost imagine that at the meeting of the Cabinet held on the previous Saturday Ministers were reminded by some Member of the Cabinet that on Wednesday, the 17th, Sir Henry Selwin-Ibbetson was going to move the second reading of a measure which might overtrump the Bill of the Government, and this may explain why it was that the Government resolved to introduce their Bill here on the 16th, in order that they might not appear to be behindhand in this important question. I am the more inclined to think that this would not be an incorrect surmise, because the Bill on the face of it bears all the marks of a hastily-prepared and ill-considered measure. Certainly one would be inclined to suppose that if it had received sufficient attention from the right hon. Gentleman the Home Secretary, it would have come before us in a very different shape. A promise of legislation on this subject having been announced in the Speech of our most gracious Sovereign from the Throne, the right hon. Gentleman having had so much experience of it during the last Session, and as it must have occupied no small share of his attention during the recess, it was not too much to expect a very much more perfect measure than that which has been submitted to your Lordships. In proof of

The Duke of Richmond

its being an ill-considered measure, I may refer to what has fallen from the noble Earl himself this evening. It treats as permanent Acts measures of 1869 and 1870, which were only temporary; so that, as it stands, the Bill does not deal with the beerhouse question at all. Clause 68 of this Bill purports to repeal several Acts “set forth in the second schedule,” but when I turn to this schedule I find it to be a blank. This is pretty conclusive evidence that those who prepared the Bill failed to look to all the Acts of Parliament which should have been included in the schedule. One of my principal objections to this measure is that it appears to me to be one of merely a temporary character. On reading the Bill I almost doubt that the Secretary for the Home Department can have even seen it, because it seems to me that it is entirely contrary to the views which the right hon. Gentleman himself expressed as to the only basis on which satisfactory and permanent legislation on this subject could be attempted. In his speech last year the right hon. Gentleman said—

“He should expect them to concur in the proposition that, under the existing system of licensing, far more licenses had been issued than were required for the public convenience. He had no doubt of this concurrence in the face of the fact that there exists a publichouse or a beerhouse for every 182 of the population. The next proposition he would advance was, that the present mode of issuing licenses was unsatisfactory, no guidance being afforded to the magistrates either as to the number to be issued, or the respectability and responsibility of the persons seeking to be licensed.”—[3 *Hansard*, col. 1063.]

I can see nothing in this Bill to carry out the views so clearly expressed in that passage of the speech of the right hon. Gentleman. The Secretary for the Home Department went on to say—

“The Bill of the Government, which was framed on the principles he had stated, would repeal in whole or in part from 40 to 50 Acts of Parliament, and would consolidate and amend the laws regulating the ordinary retail sale of intoxicating liquors.”—[*Ibid.* 1064.]

In this Bill no attempt is made to consolidate—if anything, it adds an additional Act to those already in force, and therefore, instead of consolidating and simplifying, it rather adds to the confusion. It leaves the many existing Acts in force, and adds one more to them. The Home Secretary, alluding to the Bill of the hon. Member for Essex, said—

"The Bill of the hon. Member for Essex passed without a division. Yet that Act was regarded only as a makeshift until some complete measure could be introduced. The legislation affecting the trade was in such a state of confusion that it had become necessary to have a conclusive measure. Existing Acts contained conflicting provisions; there was a strange variety of licenses; while there was no definite principle on which licenses were to be granted."—[*Ibid.* 1067.]

The hon. Member went on to refer to the hours of closing, the variations in the Excise duties, and so on. The noble Earl, in introducing the Bill, said it was not an ambitious measure. It did not propose to deal with the vast number of Bills and licenses to which he had alluded; but which last year was the opinion of the Home Secretary as to what was essential. Having thus expressed himself—

"Under these circumstances it was clear that consolidation and simplification of the law was necessary."

I agree with the right hon. Gentleman, but I submit to your Lordships that this Bill does not affect what he held to be necessary. Now, although I entertain strong objections to this Bill, I will not incur the responsibility of opposing the second reading. I think that as the Government have laid it before your Lordships it is necessary that we should give it a second reading; but before I sit down I will endeavour not only to point out what are the objections to certain provisions in the Bill, but also to indicate certain provisions which, in my opinion, it ought to have contained. My Lords, I object to the manner in which vested interests are dealt with in this Bill. Under its provisions the owners of property were entirely in the hands of their tenants. This I regard as a serious blot. On conviction for certain offences against the Act not only does the person convicted forfeit his license, but the house is deprived of the license for five years. It might easily occur that the owner of a public-house might have a tenant who offended three times against the provisions of the Act without the owner having the slightest knowledge that the Act had been so violated; and yet his house would be deprived of a license for five years. I put it to your Lordships whether to shut a public-house up for five years is not in reality to shut it up for ever. Other houses would spring up in the neighbourhood and the owner of the closed house would be entirely

deprived of his property. I do not throughout the Bill find any provision for encouraging the establishment of a better class of houses to which licenses might be given, although that was a matter which was strongly recommended in the discussions of last year. Then, I strongly object to the way in which the Bill entirely ignores magisterial authority in the granting of original licenses. The manner in which those licenses are proposed to be granted is nothing more nor less than a scheme of centralization by which the Home Secretary will be enabled to override magisterial authority in respect of the granting of original licenses. There is another point, my Lords, and it is this—notwithstanding the Motion passed in "another place" by a large majority against the increase of local rates, the expenses of all the appointments under this Bill are to be defrayed by local rates—thereby adding to a burden already too heavy. The provision in the Bill of last year for the removal of licenses from crowded localities to places in which public-houses were more required, and which would be of great public advantage, is omitted from this Bill. I should have thought that the experience of the past would have induced the Government to adopt a system of minimum penalties. Under this Bill recourse is had to the Summary Jurisdiction Act, but the Small Penalties Act is not referred to, though it strikes me that you must of necessity avail yourself of its provisions if you proceed under the Summary Jurisdiction Act. All this tends to show that the Bill is what I have described it to be—an ill-considered and hastily-prepared scheme. I have referred to the mode in which magisterial authority is dealt with by this Bill. The proposal of the Government is that the magistrates in petty sessions shall grant licenses, but that they shall not be valid until they are approved by a committee of magistrates appointed for that purpose by the Quarter Sessions, and they are not to come into force until they have been approved by the Home Secretary. Practically, therefore, the licensing power is vested in the Home Secretary. Now, last year, when speaking of the measure then before Parliament, Mr. Bruce said—

"No appeal would be given from the decision of the justices in respect of the exercise of their

licensing jurisdiction, they, living on the spot, being supposed to be better judges of local and personal questions than the justices of Quarter Sessions could be."—[*Ibid.* 1077.]

The justices living on the spot were then supposed to be better judges in the matter than the justices of Quarter Sessions; but now the authority is to be taken out of their hands because no licenses granted by the magistrates will be valid till they have received the fiat of the Secretary for the Home Department. The offences under this Bill are of two classes, and the first class are, I think, 13 in number, and each conviction for any one of these offences is to be recorded on the license. But, curiously enough, no record is required to be made on the license of the first conviction for two of the most serious offences among the whole of those enumerated in the Bill. Clause 8 deals with the case of a sale of spirits to children under 16 years of age, and Clause 20 with that of adulteration; but the first offence against either of those two clauses is not to be recorded on the license, though under Clause 6, if a glass of beer is drunk on or near premises in which it has been bought, and which are not licensed for the sale of liquor on the premises, the first conviction for this offence is to be recorded on the license. But surely it is quite as great an offence to adulterate the liquor as to give a glass of beer outside the premises. This may have been a mistake in the drawing of the Bill; but, while on this point, I should like to inquire whether three convictions by which a license is to be forfeited must be three convictions recorded on the license or may be three not recorded, or a mixture of both? I would now beg to call your Lordships' attention to the Preamble of the Bill, which is in these terms—

"Whereas it is expedient to amend the law for the regulation of public-houses and other places in which intoxicating liquors are sold, and to make further provision in respect of the grant of new licenses for the sale of intoxicating liquors."

Now, when I come to Clause 13, I find "Penalty on persons found drunk." Surely that clause is not consistent with the Preamble, which refers only to the regulation of places in which intoxicating liquors are sold and to the granting of licenses. Penalties for drunkenness are a part of our police regulations, and have not properly anything to do with a Bill such as the Preamble recites this to be.

The Duke of Richmond

It is, no doubt, difficult to deal with the question of publicans harbouring improper characters; but as Clauses 15 and 16 are of the most stringent character they will both require grave consideration hereafter. Reverting again to Clause 20, I must say I think it is the most extraordinary one I have ever yet read. I imagine I see it in the hand of the noble Earl himself, and I am satisfied it must have emanated from his colonial experience. It states—

"Where a licensed person is convicted of any offence under this section he shall affix, at such part or parts of his premises as may be prescribed by a public-house Inspector under this Act, a placard stating his conviction, of such size and form and printed with such letters and containing such particulars as such Inspector may prescribe, and shall keep the same affixed during two weeks after the same is first affixed;"—

so that the unfortunate publican is required to act the part of bill-sticker to his own establishment—

"and if he fails to comply with the provisions of this section with respect to affixing or keeping affixed such placard, or defaces or allows such placard to be defaced, or if the same is defaced and he fails forthwith to renew the same, he shall be liable to a penalty not exceeding 40s. for every day on which the same is not so affixed and undefaced, and such Inspector as aforesaid or any public constable may affix or re-affix such placard during the said two weeks, or such further time as may be directed by a court of summary jurisdiction."

This punishment appeared to me alike novel and un-English; and I asked in vain where this clause was taken from. I was told that the only country in which any such degradation was inflicted upon anyone was New Zealand. I therefore attribute the clause to the colonial experience of the noble Earl who has charge of the Bill. The clause dealing with adulteration is very unsatisfactory. I am as willing as anybody to prevent the adulteration of liquors; but I think the dealers in the liquors to be analyzed should have better security that the liquor cannot be tampered with from the time it leaves their premises till it reaches the hands of the analyst:—it is important to remove from the mind of the publican any ground of suspicion that such a thing has been done. Clause 27 refers to the "local authorities;" but I have looked through the Bill in vain to find what the "local authority" is. Clause 28 prescribes that refreshment-houses should close at 10 p.m. I cannot see any good reason for this, because I think persons

are less likely to get drunk in such houses than in places where no food is sold. Clause 31 makes this provision—

“There shall be appointed in every police district a sufficient number of constables as public-house Inspectors, so that in every police district there shall be at least one public-house Inspector; and in police districts containing 100,000 inhabitants and upwards there shall be at least one Inspector for every 100,000 inhabitants, and for every fraction over 100,000 inhabitants or multiple of 100,000 inhabitants.”

I object very much to the appointment of public-house Inspectors for reasons which I shall state presently. It is an additional charge on the rates which is totally uncalled for. But the arrangement provided by this clause is an inadequate one. Take the western division of the county of Sussex for instance. It contains 100,000 inhabitants; it is 40 miles long, and between 30 and 40 wide. Would one Inspector be sufficient for such a division? Under the Petty Sessional divisions we have one constable for each of these divisions, which is much better than an arrangement under which there would be only one Inspector to travel over the whole of such a division as West Sussex. But my great objection to the clause is that it appoints a particular man to be a spy on the public-houses of a district. I object to the Inspectors on the ground that they would be spies—a character which will not dignify the administration of the law. Moreover, at the annual courts for granting licenses, it will be impossible for him to be at all the Petty Sessions for the purpose of giving evidence. In Clause 44 I object to this provision—

“The justices shall not entertain any objection to the grant of such new license, or take any evidence with respect of the grant thereof, unless written notice of an intention to oppose the grant of such license has been served on such holder not less than seven days before the commencement of the general annual licensing meeting.”

My objection is that an offence which ought to disentitle the publican to a renewal of his license might be committed within less than seven days before the commencement of the general annual licensing meeting, and this proviso would prevent any opposition to the grant of the license founded on such offence. I am sorry that I find no attempt made in this Bill to put an end to a state of things which I believe does more to demoralize the lower class, and particularly the female portion of it,

than anything else in connection with the traffic in intoxicating liquors. I allude to the sale of wine and spirits by grocers. What does Dr. Little, the senior physician of the London Hospital, say on that subject?—

“I am satisfied that any multiplication of the number of places at which spirituous liquors are obtainable tends to extend the habit of solitary drinking among females. I regret to add that tradesmen reputed respectable have been found to send wines and spirits, packed in disguise, to the wife's order, without the knowledge of the husband. I was professionally consulted in one lady's case, her brain and health having been thus destroyed.”

My Lords, it is stated on good authority that the sale of wine and spirits by grocers who take out wholesale licenses is very injurious to the poorer classes. It is said that in a village near Ipswich, with a population of 900 persons, there is a grocer who thinks it no unusual thing to sell as many as 100 bottles of gin on a Saturday night. In conclusion, my Lords, I must again express my regret that this Bill has not been more carefully drawn, and while I will not oppose the second reading, I must express my conviction that on account both of its omissions and its objectionable provisions the measure will require very careful examination in Committee.

LORD HOUGHTON did not think his noble Friend who had charge of this Bill need have made any apology for its introduction in that House; their Lordships were particularly well fitted to deal with such a measure because of their local knowledge, and also because they were independent of all those classes which were affected by the Bill. At the same time, he did not think the Government had any reason to complain of the criticisms of the noble Duke. He approved of the form in which the Bill was presented. He was of opinion that the Government had done right in not making the measure too ambitious, and he thought that because it was not ambitious it had a better chance of success than the measure of last year. Such a Bill must be tentative, and therefore he did not think it would have been wise to include in it all the subjects glanced at by the noble Duke. He was struck with the observations made by the noble Duke about grocers being allowed to retail wines and spirits; but the noble Duke must have forgotten that so long ago as the ninth year of George II. an

attempt was made to put down that system by the imposition of penalties; but the step was so unpopular that only a few years had elapsed till it was repealed. The licensing question was surrounded with difficulties. Their Lordships would remember that the Committee presided over by Mr. Villiers came to the conclusion that the whole system of licenses ought to be abolished, and that the liquor trade ought to be put on the same footing as the other trades of the kingdom. It was a delicate and difficult subject, though not one as to which legislation ought to be avoided for that reason; but at the same time it was a full justification for the Home Secretary not having attempted to legislate at once on the whole subject. Everyone knew that a powerful agitation had been got up out-of-doors in favour of what was called the Permissive Bill, and that the position and prospects of many political persons depended upon that movement for the absolute repression of the sale of strong liquors. He believed that such an attempt would be wrong in principle and inconsistent with all the foundations of our social life. In truth, there were two classes of men whom no legislation could prevent indulging too freely in stimulants—those who could afford to buy them, no matter what the expense; and those whose constitution was such that they would succeed in satisfying their craving even if great physical difficulties were put in their way. It was hopeless to dream that such persons could be made sober by Act of Parliament. But there was the large middle class, who might be tempted into habits of excess by the presence of undue facilities for obtaining drink; it was in behalf of such persons that legislation might usefully be invoked, and it was because this Bill would be useful to that class that he hoped their Lordships would assent to it. To a very great degree, the proper regulation of the liquor traffic must be a question of police; and he was glad to observe that the Bill proposed that a system of police inspection should be established. He was not blind to the difficulties in the way of carrying it out; but if it could be efficiently carried out it would tend to great moral improvement. He believed that it would be welcomed by all the respectable members of the trade, and

Lord Houghton

that they would willingly co-operate with the Inspectors in securing the respectability of their houses. He did not believe that any good would be achieved by merely diminishing the number of public-houses, because the only effect of such a step would be to increase the size of those that were left; and a few large houses, gaudy with lights and rich in decorations, were more harmful than a greater number of less pretentious establishments. The Legislature had no right by any means whatever to deprive the working classes of innocent enjoyment. Such was not the object of this Bill. Its object was the welfare of the people, and he hoped the House would read it a second time, and thus assist the Government in applying a remedy to an admitted evil.

THE BISHOP OF PETERBOROUGH: My Lords, I do not wish to intrude my opinions on the House; but as this is a question so deeply affecting the social welfare of the people, I do not think you will deem it unbecoming that one Member at least of the Episcopal Bench should say something on it, especially as there are some considerations connected with it which have not been brought fully into discussion by the criticism of details which the noble Duke (the Duke of Richmond) has made at such length and with such ability. My object is to put before your Lordships a view of the question which I know to be very largely entertained by persons fully entitled by their knowledge of it to express an opinion and which has hardly found expression in this debate. I am one of those—and they are many, indeed—who do not find fault with Her Majesty's Government for the stringency of the provisions of their Bill as compared with that of last year. Assuredly the Government have not now erred on that side of the question. A moment's comparison of this Bill with that introduced by the Home Secretary last year, both with respect to the renewal of licenses and the regulations for public-houses, convinces me that Her Majesty's Government have felt it necessary—I should be sorry to think that they merely felt it would be expedient—in order to insure the passing of this Bill to relax the stringency of many of the provisions of the Bill of last year. They have omitted several important provisions, the ab-

sence of which I, for one, regret. One other matter that I particularly regret is that this Bill does not, any more than the Bill of last year, make any provision for giving to the ratepayers any share in the control of the liquor traffic in their own town or district. That seems to me, my Lords, a great defect in any Bill dealing with the licensing question. There is a very deep and growing feeling in the country, especially among the humbler ratepayers, who are so much interested in this question, that those who pay the rates and whose rates are increased by the crime and pauperism intoxication creates, should have some voice in controlling the machinery which is to issue licenses and regulate the whole of the liquor traffic. I do not, my Lords, claim for the ratepayers entire control; I do not say that they, or a majority of them, should have the power of suppressing the liquor traffic in any town or district. It seems to me monstrous to say that it shall not be a crime to make an article, it shall not be a crime to use it, but it shall be a crime to sell it—to leave the manufacturer free to make liquor and the customer to buy it, but to say to the middle man who comes between these two, you shall not sell it. That, my Lords, I hold would be something like an outrage to the moral sense of the community—it would never be tolerated by the English people if by any chance it became an Act of Parliament. I entirely agree with the noble Lord who preceded me (Lord Houghton) as to the mischief, and I would even say the absurdity, of the Permissive Bill. I believe such a Bill would be not only absurd but mischievous, and that it would tend to exasperate all the difficulties of this question; that in towns where it was most needed it would be inoperative, and that where it is most operative it would be least needed. It proceeds on this most vicious political principle—that the tyranny of a mere majority, not of representative men, but counted merely from door to door, should govern any people. Such a principle is most pernicious. I hold that it is the right of Englishmen to be governed by the Estates of the Realm sitting in Parliament, and not by a hap-hazard majority collected by agitation and canvassing. This is one of the dangers of all democracy—it ignores the rights and privileges of the minority as against the

majority; and therefore I believe the tendency of all modern legislation ought to be towards protection of the rights and privileges of minorities. Therefore I entertain the strongest dislike to the Permissive Bill. I cannot, perhaps, express it in a stronger form than by saying that if I must take my choice—and such it seems to me is really the alternative offered by the Permissive Bill—whether England should be free or sober, I declare—strange as such a declaration may sound, coming from one of my profession—that I should say it would be better that England should be free than that England should be compulsorily sober. I would distinctly prefer freedom to sobriety, because with freedom we might in the end attain sobriety; but in the other alternative we should eventually lose both freedom and sobriety. But, though I am thus strongly opposed to the Permissive Bill, I do wish that the ratepayers should have some voice—not an absolute and sole voice, but some voice—in the regulation of the liquor traffic. I think it would not be wise or desirable to intrust the regulation of the liquor traffic to a Board elected entirely by the ratepayers; but I do think it would be quite possible so to combine the official and elective elements in the Licensing Board as to give to the ratepayers the assuring conviction that their interests were fairly represented; while by retaining the magistracy you would have the conservative element duly to resist popular influences and give consistency to their decisions. I appeal to the noble Earl who has charge of this Bill (the Earl of Kimberley) with all the more confidence on this point, as the principle for which I contend has been adopted and sanctioned by a measure introduced by the Government in 1869 for the establishment of County Boards. These County Boards were to be managed partly by elected and partly by official members, the latter being Justices. I would ask your Lordships to consider one fact of great importance in its bearing on this subject. I have spoken of the mischievous tendency of agitation for the Permissive Bill. My Lords, I have had to discuss this question over and over again with some of the most eminent advocates of the Permissive Bill, and I have always found at the bottom of their advocacy—not so much the desire to carry

a Maine Liquor Law or totally to suppress the liquor traffic—as the desire to have for themselves, and for the ratepayers, some share in the control of the liquor traffic; and if some such control was given by this Bill and the ratepayers felt that they were fairly represented on the Licensing Board, and were not altogether ignored in the decisions come to as to the number of public-houses, the whole of this most mischievous agitation for the Permissive Bill would, if not altogether collapse, receive a shock which would make it much less dangerous for years to come. There is another consideration which I must mention. In the 44th clause of this Bill there is an extremely stringent provision against frivolous and vexatious prosecutions;—when a prosecution fails the person instituting it must pay the costs and compensate the licensee. A clause so stringent against vexatious prosecutions almost amounts to a prohibition on individual ratepayers taking proceedings; and it is therefore all the more desirable to place on the Board itself representatives of the ratepayers, so that without the vexation and irritation of prosecutions due weight may be given to the objections of those whom they represent. I appeal, if not with confidence at least with earnestness, to the noble Earl who has charge of the Bill whether it is yet too late to adopt this suggestion? As a member of the Episcopal Bench, I feel it would be almost criminal in me to remain silent on this question. It is not a mere question of police, it is not a mere question of licensing, it is not a mere question of adulteration; it is a matter of deep principle which lies very near to the hearts of the great masses of our fellow-countrymen. When you lay your finger on this question you are touching the hearts of the people, and bringing yourselves still closer into relations with the great masses of our population. Nothing, I am persuaded, my Lords, would do more to win their hearts to the cause of law and order than that they should see your Lordships earnestly and deeply considering how far you can not merely repress intemperance and check the evils arising out of it, but doing this in a manner to satisfy them that the highest interests of the working classes of the country will be duly and fairly considered.

The Bishop of Peterborough

THE DUKE OF SOMERSET thought the present Bill a more practicable measure than the Bill brought forward last Session by the Secretary of State for the Home Department—that was a most unfortunate scheme. The proposal now under consideration he regarded more favourably; but it would hardly meet the requirements of the case, unless it were subjected to the consideration of a Select Committee of their Lordships' House. There were so many points of detail in the measure that it would be almost impossible to deal with them otherwise. He did not find that the selling of spirits by grocers was brought under the operation of the Bill, and he thought that the placing public-houses under control and leaving grocers' shops uncontrolled, would be a mode of proceeding which would be fatal to success. They ought both to be brought under one principle. Again, he was surprised to find that the Bill did contain any provisions in reference to the granting of retail licenses for the sale of wines and spirits, to be held in conjunction with wholesale licenses. This, he thought, was a very bad principle. He would not go into details; but he would point out that, though the Bill would diminish the number of public-houses, the provisions relating to the hours of closing would create a feeling throughout the country against the Bill. The noble Earl, in bringing forward the measure, had referred to the large number of licenses at present existing; but he did not state what licenses would be continued under the present Bill; nor did he say whether the sale of spirits would be under the same regulations as the sale of other drinks. While on some points the stringency of the Bill might be relaxed, there were other points in respect to which its stringency should be increased. He had witnessed many instances of the evils of the existing system. When he was at the Admiralty he went to see Haslar Hospital, where he found several men, from 20 to 26 years of age, suffering from *delirium tremens*, and it appeared that many of these young men, on landing, received from £20 to £40, which they spent all in drink; and he constantly received letters stating that the Saturday half-holiday was frequently a greater harm than benefit, because much of the holiday time was spent in drinking. He

believed that the country was quite prepared for some measure like that before the House, and he was glad the noble Earl had taken the matter in hand; but the Bill could not be made efficient unless it was sent to a Committee upstairs for consideration.

THE MARQUESS OF SALISBURY: My Lords, after the very eloquent speech of the right rev. Prelate (the Bishop of Peterborough), I desire to say a few words on behalf of that much-abused body, the magistrates of the county, as the licensing authority. You must remember that you have got not merely to satisfy the noisy agitators who attend public meetings and speak from public platforms upon this subject, but you have to provide for the discharge of what is a most important administrative duty, affecting the social life and condition of all classes of the community. The great object which you have to attain is to place what is a most invidious power in the hands of persons who are sufficiently independent to secure that they shall not be open to suspicion in the exercise of it. Suppose you place, as has been suggested, the power of granting and refusing licenses in the hands of persons elected by the ratepayers—the persons elected will be tradesmen of the same class as those from whom the guardians of country unions are drawn, and consequently of the same class as the keepers of public-houses themselves. How much ill-feeling, envy, bitterness, and suspicion would you give rise to, even if these representatives exercised their power in a prudent manner; and you would be exposed always to the danger that local feuds would find their expression in the refusal of a license to a person who had taken one side or the other. It seems to me of far more importance that the licensing authority should be free from any suspicion of being influenced by impure motives in granting the license than that you should satisfy a small body of ratepayers who desire to have a share in the licensing authority. I must say that a rather Utopian view of the English ratepayer seems to exist in some minds. There seems to be a notion that the ratepayer is careful for nothing but the moral and social advancement of his kind; that he takes an active interest in all political and social questions; and that the one object of his

desire is to be allowed to occupy a position by which he can force his brother ratepayers to be sober. Now, the real state of the case is that if the average ratepayer is sober himself, that is all he can reasonably hope to attain to. I am not particularly fond of household suffrage; but by the use of household suffrage we ascertain what the housekeepers, the ratepayers, think; and when I am told that the ratepayers desire to have a power of depriving me of the power of granting licenses to public-houses, I am inclined to look at recent elections, and ask if such is the case. I have not found in the authorized expression of opinion any intimation of such being their desire. I am afraid a belief is prevalent that the advancement of morality is due to the action of Government authority. If so, we are in danger of abandoning the highest standard of morality, that of Christianity, and of seeking another in Acts of Parliament and regulations of police. Is there any country in the world in which the action of the Legislature has been able to supply the calls of the moralist and the teacher? 150 years ago the upper and middle classes of this country were as bad with regard to drunkenness as the lower classes are now. People did not then trust to legislative action, they resorted to civilization and religion. They trusted to allegiance to a principle, and in the upper and middle classes of this country at present drunkenness is not a prevailing vice. Why, then, not believe that the influences which had been so powerful with the upper and middle classes will be equally operative with the lower? I trust that in any measures your Lordships may be asked to pass, you will shrink from attempting a task which it is impossible for any Legislature to perform—namely, by the action of Government to insure morality among the people.

THE EARL OF KIMBERLEY: My Lords, there is much in the remarks of the right rev. Prelate behind me (the Bishop of Peterborough) and of the noble Marquess which is worthy of consideration. This Bill, however, I think they will admit, does not err in the way of introducing a new element of control on the part of the ratepayers. I wish also to point out to the noble Marquess that the demand for the interference of the ratepayers comes

from the lower classes themselves, and, be it wise or unwise, I do not think those who make that demand are open to the reproach which has been cast against them—of seeking to legislate for the rich to the prejudice of the poor. I will go further, and say that I am perfectly persuaded—so great is my confidence in all classes in the country—that if the absence of regulations likely to affect the rich were the only bar to the passing of this Bill, we should have little or no difficulty in doing that which we believe to be necessary to promote the welfare of the people at large. But, at the same time, I am not one of those who would wish to go too far in the endeavour to make men sober. There is, I admit, a great tendency to apply on every occasion to the Executive Government to remedy evils which I am satisfied cannot be remedied either by the police or by a still higher authority. Any attempt, in my opinion, by means of such measures to put down evils which we may all deplore would not only result in throwing upon the Executive Government burdens heavier than they could well bear and responsibilities which they could not discharge, but would produce other evils greater than those which it is sought to remove. All such measures must therefore be dealt with with the utmost caution—for it is idle to say that we can by such means alone succeed in making a nation moral. Having made these few general remarks, I shall proceed to deal with the criticisms which have been passed on the details of the Bill—especially by the noble Duke opposite (the Duke of Richmond). I had the advantage of hearing some of those criticisms before, because a deputation of licensed victuallers waited on me the other day, and pointed out a great many objections to which, in their opinion, the measure as it stands is open. It would be strange, indeed, if it were not liable to some objection, because a Bill of this kind is essentially one of details, in dealing with which we had frequently only a choice of difficulties. Some of the objections which have been advanced by the noble Duke I can, however, I think, show to be unfounded. He, in the first place, referred to what he regarded as an omission in the Bill, and gave us an account of what he supposed had passed in the Cabinet on the subject—but it is clear that account must be based on his

The Earl of Kimberley

experience of previous Cabinets. He said—and the objection was a very natural one—that although there was a clause in the Bill relating to the repeal of a great number of Acts, those Acts were not specified. That, however, is not due to any oversight on the part of the Government, because we have been assured by the drawer of the Bill that the proper time to supply the omission is when the Bill has passed through Committee, following the course which was pursued in the case of another important measure—the Bankruptcy Act. That is the simple reason why the Bill is in its present shape. The noble Duke also urged it as an objection against the Bill that it is not a Consolidating Bill, and I admit at once that it only consolidates the police regulations, which is, I may add, a very considerable work in itself. If your Lordships should adopt the clauses of the Bill, with such Amendments as you may deem desirable, I think we should, as regards the police regulations, accompanied by the repeal of such Acts as it may be necessary to repeal, have a complete code of such regulations. The noble Duke went on to comment on the 4th clause—and it is one, I freely admit, which deserves careful consideration. I am alluding to the clause which provides, in the case of certain offences on a license being recorded, that certain consequences shall follow without any discretion being left to any authority in the matter. The noble Duke pointed out that in certain cases such a provision might work hardly on the owners of houses, and the suggestion is one which is, in my opinion, worthy of attention. I would, however, remind the noble Duke that a similar provision exists in the Prevention of Crime Act, which provides for an absolute disqualification in the case of criminals after a certain number of offences—so that the principle is not a new one. It is, however, perhaps, desirable that the clause in the present Bill should be further guarded, and I will see whether it may not be possible to give the owner, in the case of a second conviction, the power of terminating the agreement with the occupier, so that his interests might be protected. I am, however, perfectly certain that without some stringent clause such as this you will be able to effect no really considerable reform of public-houses. The noble Duke, again,

objects to the veto which is given by the Bill to the Secretary of State. It is, he says, extraordinary that such a provision should be introduced into it by the Government, inasmuch as no such provision was introduced by the Home Secretary into the Bill of last year. But I will remind the noble Duke that the principle has been since introduced in the Suspensory Bill, and that it has been found to work very well: it is, therefore, that it has been embodied in the present measure. The Bill will, no doubt, throw considerable impediments in the way of the granting of licenses. My Lords, I think that that is a very important object. It will require the concurrence of three separate authorities before any new license can be granted, and if there is to be uniformity of practice throughout the country, this veto of the Secretary of State is, I think, most desirable. But, at the same time, should the other authorities exercise the power vested in them prudently and wisely, so that there shall arise throughout the country a regularity and uniformity in the granting of licenses, the veto lodged with the Secretary of State becomes of very little importance. The noble Duke (the Duke of Richmond) went on to find fault with the provision which establishes a special system of inspection on the ground that it would throw an additional burden on the local rates. Now, I am aware that this question of the adjustment of local and Imperial taxation is one of the utmost importance; but I ask the House whether it is possible to delay every measure of public utility until a controversy so extremely difficult is settled? Under the Bill we make use of the existing machinery in the case of the constabulary; and one of the duties of the constabulary now is to see that the public-houses are properly regulated, and all that is now proposed is to give the Secretary of State special power to see that proper officers are selected from the constabulary force generally who shall carry into effect the inspection of licensed houses. Without some such power it has been shown in practice that, whatever laws you pass, the inspection by the constabulary is to a very great extent a mere name, and nothing more. It is true the Bill gives special powers to the Secretary of State to see that this inspection is adequately carried out and

to disallow the proportion of police expenses now contributed by the Treasury if those provisions are not complied with; but these provisions are absolutely necessary. The noble Duke referred to one omission from the Bill which had astonished him—the provision as to the removal of licenses. No doubt a provision on this subject was contained in the Bill introduced by my right hon. Friend, as well as in the Suspensory Act of last year. But the subject has since been fully and carefully considered by the Government. Something may, doubtless, be said in favour of a system of removal of licenses; but it seemed to us that the objections predominated. The original intention was to forbid the grant of new licenses altogether, and only allow licenses to be removed from one district where they were in excess of the wants of the population to another district where more were required. That would have been an exceedingly stringent provision. It might have recommended itself on its merits as far as removals were concerned; but if you allow the grant of new licenses, the result of permitting also the removal of licenses would be to incur great risk of perpetuating existing licenses, and of strengthening the proprietary right which the owners of them are assumed to possess. By such a system you make the license, as it were, a marketable commodity which may be conveyed from one part of the country to another; and our object in reducing the number of public-houses would be to a great extent defeated by allowing the abandonment of such houses in one district and the transfer of the licenses to another. We, therefore, thought that, upon the whole, it was better in the public interest not to introduce the principle of removals. Another point to which the noble Duke referred was the absence of minimum penalties in the Bill. Now, the existence of minimum penalties has been found in practice to work great hardship, and unless you entirely distrust the discretion of magistrates, it is far better to provide merely maximum penalties, leaving it to the magistrate to say how much of these penalties he will inflict according to his view of the gravity of the offence. Then the noble Duke alluded to what he seemed to think the almost diabolical invention of the placard system.

THE DUKE OF RICHMOND: I did not charge you with diabolical intentions.

THE EARL OF KIMBERLEY: No—the noble Duke was, of course, referring to the clauses of the Bill. He seemed to think I had adopted it from some knowledge I had of the existence of a similar law in New Zealand. Now, I am ashamed to say that I was entirely ignorant of the existence of any such law in New Zealand; but I am glad to hear from the noble Duke that our fellow-countrymen in that colony have adopted so sensible a provision. The offence for which this punishment is prescribed is that of adulterating liquor with the articles mentioned in the Schedule. They are cocculus indicus, copperas, opium, Indian hemp, strychnine, tobacco, darnel seed, extract of logwood, salts of zinc or lead, alum, and any extract or compound of any of the above ingredients. I think if a man commits an offence so grave as that of mixing drugs directly deleterious to health with the liquor he sells, it is a most appropriate punishment to enact that every person who goes to his house should know he has been guilty of that which really amounts to a crime. If it had been proposed that a publican should be obliged to expose such a placard if he supplied liquor to a drunken man or allowed drunkenness in his house, I should have said the regulation was an unfair one; but when applied to an offence, which, as I am assured, the publicans themselves regard as most grave—an offence which no respectable man would commit—I think it may be properly met by the punishment provided in the Bill. The noble Duke says that punishment is novel and un-English. My Lords, I cannot help thinking we should make it an English punishment and embody it in our law. The noble Duke behind me (the Duke of Somerset), while he thought that the measure was on the whole a good one, expressed surprise that it did not apply to retail licenses for selling spirits and wine held in conjunction with wholesale licenses. The exemption of these licenses from the provisions of a Licensing Bill is, however, no new principle, and I am prepared to maintain that the exemption is wise and proper. We are dealing here with a class of licensed houses which are found to be subject to great abuses.

It has not been found that the sale by wholesale dealers of wines and spirits in small quantities under their retail licenses has been a cause of abuse. I know there has been a strong movement on the part of the publicans to obtain these restrictions, and I see clearly why they desire them—the sale by wholesale dealers of liquor in small quantities interferes with the publican's monopoly, and therefore the publicans want to drive people into their own houses by means of restrictions which would make the holding of a retail license by a wholesale dealer impossible. Now, for my part, I think the present monopoly of the publicans is quite as great as it need be and ought to be, and therefore I think it would be undesirable to interfere with the retail licenses of wholesale dealers, and place them under these restrictions. On this ground I can hold out no expectation that we shall deal with these licenses in the way which the publicans desire. A great number of details have been alluded to, but most of them were minute, and I shall not weary your Lordships by commenting on them at this stage of the Bill: in Committee, however, I hope to make such explanations as will prove that the clauses have been well weighed, and are not proposed without reason. I may say, however, that in the clause to which the noble Duke refers, he will find the local authority duly defined. The Bill contains so many details that I fear it may present itself to many persons in an uninteresting light. But I agree with the right rev. Prelate (the Bishop of Peterborough) that important questions are involved in the Bill; it is a matter which deeply concerns the morals and health of the population as well as very large interests throughout the country. Your Lordships must not forget that, while we cannot but deplore the grievous effects that may be produced upon the people by the sale of intoxicating drinks, we are dealing with a trade of great magnitude. It may be the right course to maintain the sale of liquors as a monopoly, or it may be wiser to adopt the opposite course, and throw open the trade as the other trades of the country; but a monopoly we have to deal with, and whilst the Legislature ought not to press unduly and unfairly upon its present possessors, I hope your Lordships will sustain me in maintaining the right of Parliament

to control and regulate the monopoly, and in protesting against the attempt of any one class in the country to prevent the Government from carrying into effect legislation in the interest of the public at large which is required for the welfare of the nation.

LORD KESTEVEN said, that a measure of this character was very generally required. In Peterborough, for instance, the number of public-houses was greatly in excess of the population. One-half of the licensed houses were opened for the sale of beer only; and as these licenses were granted, not by the magistrates, but by the Excise, at the request of the ratepayers living in the locality, it was singular that the right rev. Prelate should call upon the ratepayers to suppress an evil which they had themselves created.

THE BISHOP OF PETERBOROUGH explained that he did not propose that the ratepayers should act alone, but that they should merely assist the magistrates in granting licenses.

LORD KESTEVEN said, that whenever the magistrates and the police had endeavoured to restrict the number of public-houses and beershops in Peterborough by refusing to renew the license of any house, a large body of neighbouring ratepayers were sure to come forward and say that the House was conducted with the greatest order and propriety. The consequence was, that the action of the magistrates became futile by the very acts of the body which the right rev. Prelate wished to be incorporated with the magistrates. He ventured to think, then, that if such a body were incorporated with the magistrates they would neutralize the action of a much more independent body than themselves, and so perpetuate the evils that were deplored.

Motion agreed to; Bill read 2^d accordingly, and committed to a Committee of the Whole House on Friday, the 10th instant.

House adjourned at a quarter-past
Seven o'clock, 'till To-morrow,
Eleven o'clock.

HOUSE OF COMMONS,

Thursday, 2nd May, 1872.

MINUTES.]—PUBLIC BILLS—*Resolution in Committee—Ordered—First Reading—*Pier and Harbour Orders Confirmation * [142].

*Ordered—First Reading—*Gas and Water Orders Confirmation (No. 2) * [141]; Ulster Tenant Right * [144]; Metropolitan Commons Supplemental * [143].

*First Reading—*Naturalization * [145].

*Second Reading—*Local Government Supplemental * [133]; Customs and Inland Revenue * [106]; Unlawful Assemblies (Ireland) Act Repeal [72], *put off*.

*Committee—*Corrupt Practices * [22]—*n.p.*

*Committee—Report—*Parliamentary and Municipal Elections [21-139]; Court of Chancery (Funds) * [43-140]; Gas and Water Orders Confirmation * [125]; Landlord and Tenant (Ireland) Act (1870) Amendment (No. 2) * [124]; Reformatory and Industrial Schools (No. 2) * [134].

THE RUSSIAN WAR—BRITISH GRAVES IN THE CRIMEA.—QUESTION.

MR. W. H. SMITH asked the Under Secretary of State for Foreign Affairs, If his attention has been drawn to a Letter, which appeared in "The Times" of the 30th March, describing the disgraceful condition of the British Cemetery at Sebastopol; and, whether he has reason to believe that the statement is correct, and if it be so, whether the Government will take some measures to protect the graves of the Officers and Men who fell in the discharge of their duty from desecration?

VISCOUNT ENFIELD: Sir, I have seen the letter referred to by the hon. Member, and from other evidence believe that the statement is in substance correct. Up to the middle of the year 1866 there had been a custodian of the graveyards, but in that year Colonel Gordon, who was then in charge, resigned his appointment in consequence of being obliged to return to active service. It is the intention of the War Department, with the consent and concurrence of the Foreign Office and the Treasury, to despatch two British officers to the Crimea to visit the cemetery and graves, and to report home as to their present condition and the best means for their preservation.

INDIA—CONVICTS AT THE ANDAMAN ISLANDS.—QUESTION.

MR. SALT asked the Under Secretary of State for India, Whether the statement is correct that Ahmed Oolah, who was convicted as a leader in the Wahabee conspiracy about the year 1865, was in confinement at the Andaman Islands at the time of the assassination of Lord Mayo; that he had frequent opportunities of conversing with the other convicts; and that the Wahabee prisoners in the convict settlement have been able to hold regular communication with their friends in India?

MR. GRANT DUFF: In reply, Sir, to my hon. Friend, I regret to say that I have no means of answering his Questions categorically. The acting Viceroy has, however, sent Mr. Campbell, a very experienced judicial officer, to the Andaman Islands to make a full inquiry into their state, and when we receive his report we shall, no doubt, be in a position to state which are true and which are false of the many rumours current.

METROPOLIS—SUNDAY OBSERVANCE—THE SHEEPSHANKS GALLERY.

QUESTION.

SIR CHARLES W. DILKE asked the Vice President of the Council, Whether Her Majesty's Government have considered the memorial recently presented by deputations from public meetings held in London, praying them to carry out the wish of the late Mr. Sheepshanks that his pictures should be exhibited on Sundays?

MR. W. E. FORSTER, in reply, said, the House was doubtless aware that the Sheepshanks' collection of pictures was at the South Kensington Museum. It was quite true that Mr. Sheepshanks, when he made that most generous gift to the nation, expressed a wish that the pictures should be shown to the public on Sunday afternoons; but this was not a condition of the gift, as Mr. Sheepshanks was aware at the time that, according to the existing regulations, the pictures could not be so shown. Deputations had waited on the Marquess of Ripon and himself (Mr. Forster) in reference to this subject, and at several meetings held in London a desire was expressed that the South Kensington

Museum should be opened on Sundays. This, however, brought up a very important question, which applied not only to the South Kensington Museum, but to the British Museum also. Without expressing any personal opinion on the subject, he might state that the Marquess of Ripon brought it under the notice of the Government, who did not think they were at present warranted in taking steps for opening those Museums on Sundays.

THE ECCLESIASTICAL COMMISSIONERS—THE FINSBURY ESTATE.

QUESTIONS.

MR. CARTER asked the honourable Baronet the Member for North Devon (Sir Thomas Acland), Whether it is true, as stated in "The Times" newspaper on the 30th of March, that many of the houses on the Finsbury Estate belonging to the Ecclesiastical Commissioners are in such a filthy and dilapidated state that they are unfit for human habitation; whether 120 of these houses have been closed by order of the sanitary authorities of the district; whether (supposing these reports to be correct) the Commissioners are taking such steps as will effectually remove this state of things; and, further, whether the alleged condition, so far as paving and cleansing is concerned, of Willow Street, Charlotte Street, Paradise Street, and other streets on this estate is to be attributed to carelessness and neglect on the part of the local authorities of the district, or to the Ecclesiastical Commissioners?

SIR THOMAS ACLAND: Sir, the statement in *The Times* of the 30th of March as to the state of the Commissioners' property is not correct; but it is true that when the property came under their management at Christmas, 1867, it was in an extremely bad condition. Immediately after the Commissioners obtained possession of the property they engaged workmen to cleanse and repair such cottages as were capable of being maintained, either for a short time or permanently, and to remove buildings that were dangerous. Many cottages were removed by agreement with the parties to whom agreements for leases were granted, as part of the terms of such leases. It would have been inexpedient to remove so many poor in a short space of time without

other buildings being provided. To obviate this, the Commissioners encouraged the erection of model dwellings, and the result of their dealing with their property in the parish of St. Leonard's, Shoreditch, may be shortly stated as follows:—About 750 cottages stood upon the property; upwards of 600 are removed. About 20 more are under agreement for removal, some others will follow, and the remainder have been repaired. On part of the land cleared about 500 new convenient residences have been erected; others are in course of erection. In all, about 100 more are agreed to be erected. On other parts of the land cleared of old buildings, a church, schools, and two parsonage houses have been erected. Other improvements are still in progress. With regard to the question whether 120 houses have been closed by order of the authorities of the district, no such orders have been addressed to the Ecclesiastical Commissioners, nor to their officers. They are aware that proceedings were taken against lessees under them in respect of some cottages; but at that time those lessees were under covenant to remove the cottages, and the Commissioners were taking steps to enforce that covenant for the removal. They are now removed. The paving and cleansing of the streets is wholly under the charge of the local authorities, and no responsibility in that respect rests upon the Commissioners. I desire to state that if any hon. Members wish to satisfy themselves as to what the public spirit of an individual or the energy of a particular corporation can do in the way of substituting, as a matter of business, wholesome dwellings for the poor in one of the worst parts of London, they ought to visit the Finsbury Estate, where they will see that which will give them hopes for their country. I have seen some photographs of the property as it existed before and as it exists now, and with your permission, Sir, I will place them in the Library for inspection.

MR. FLOYER: Are the 500 houses, which the hon. Baronet mentions as being built, suitable for artizans and the working classes?

SIR THOMAS ACLAND: I believe they are. I have seen some of them, and I believe they are let at the average rate of 2s. per room. Wages in that part

of London are considerable, and I have met with several artizans who are living in these lodgings.

TICHBORNE *v.* LUSHINGTON—PROSECUTION OF THE "CLAIMANT" FOR PERJURY.—QUESTION.

MR. MELLOR asked Mr. Chancellor of the Exchequer, Whether the Government intends to prosecute at the public expense the person calling himself Tichborne for perjury; and, if so, whether he is prepared to lay before the House an Estimate of the probable cost of such prosecution, and to take a previous Vote of the House upon it?

THE CHANCELLOR OF THE EXCHEQUER: It is, Sir, the intention of the Government to prosecute, at the public expense, the person calling himself Tichborne for perjury. He is also committed for forgery. The hon. Member asks me to lay upon the Table an Estimate of the probable expense of such prosecution. I should be very glad to do so; but I am told that it is impossible to form any estimate or give any information on the subject; therefore, I must decline to do so under the circumstances, and as to those Gentlemen who think I am too diffident in making estimates, I would refer them to their own experience.

MR. MELLOR: The right hon. Gentleman has not answered the latter part of my Question. As the amount required will probably be very large, I wish to know whether the right hon. Gentleman will take a previous Vote of the House upon it?

THE CHANCELLOR OF THE EXCHEQUER: If I spend the money first, I do not see how I can take a previous Vote upon it.

NAVY—CHANNEL SQUADRON.
QUESTION.

SIR HERVEY BRUCE asked the First Lord of the Admiralty, Whether, if it be true, as is reported, that the Channel Squadron is to go round the coasts of the United Kingdom during the summer and autumn, he will permit it to visit Lough Foyle?

MR. GOSCHEN said, in reply, that he was unable to give a pledge that the Channel Squadron would visit any particular locality, as the cruise of the Squadron had not yet been determined

upon. He was, therefore, unable to say whether the inhabitants of the district immediately surrounding Lough Foyle would be able to carry out the hospitable intentions which he believed they entertained.

ARMY. OFFICERS—PRESENTATIONS AT COURT.—QUESTION.

MR. H. A. HERBERT asked the Secretary of State for War, If his attention has been drawn to a Regulation by the Lord Chamberlain which forbids the name of the Regiment, or Corps in some cases, being announced at Court, in addition to the name of the officer, on presentation to Her Majesty, and so making a distinction between the officers of the different branches of the auxiliary forces and those of the Regular Army, although they, like the latter, hold Her Majesty's commission; and, if he would endeavour to have the Regulation reconsidered?

MR. CARDWELL, in answer, said, he could only repeat the Reply he had previously given to a similar Question—"The Regulations for the Queen's Courts are not within his province, but depended upon the commands of Her Majesty, and were carried out under the direction of the Lord Chamberlain."

ARMY—EQUIPMENT OF THE ARMY.

QUESTION.

SIR JOHN GRAY asked the Controller General, If he has any objection to lay upon the Table of the House the following documents:—Copies of a Letter written to the Adjutant General, Horse Guards, by Colonel Ponsonby, then commanding 1st Battalion Grenadier Guards, applying for permission to have a renewed and proper trial of Lieutenant Colonel Carter's equipment with the new Valise Equipment; and the Reply; of the Application made by Colonel the Honourable Percy Fielding, C.B., commanding Coldstream Guards, for permission to try the said equipments, and the Recommendation of the same by Major General Prince Edward of Saxe Weimar; and the Reply; and, a detailed Statement of the various articles (under the head of Equipment), and the amount of ammunition (showing how distributed), each soldier will have to carry during war, together with a List

Mr. Goschen

of the Regiments which wore the new Valise Equipment at the Autumn Manœuvres; specifying whether any, and which, of those Regiments failed in wearing this equipment as intended during war, with the particulars of the cause of any omissions?

SIR HENRY STORKS: Sir, it is not considered desirable to give the Correspondence referred to in the Question of my hon. Friend. The equipment of the Army was adopted, after mature consideration, on the recommendation of a most competent Board of Officers, and experience has shown that the present valise equipment is well suited to the service. I may add that a voluminous Correspondence as regards Lieutenant Colonel Carter and his proposed knapsack has been already laid on the Table of the House, on the Motion of the hon. Member for Sunderland (Mr. Candlish). I consider the question settled, and do not think any further expense should be incurred in printing Correspondence on the subject.

ARMY—CASHEL BARRACKS.

QUESTION.

MR. STACPOOLE asked the Secretary of State for War, Whether his attention has been called to the state of the barracks at Cashel, as described in a letter published in "The United Service Gazette" of the 30th March last; whether the statements in that letter are accurate as to the condition of the barracks; if they are, whether he will direct the next training of the North Tipperary Militia to be held at Clonmel or Nenagh, where ample barrack accommodation can be afforded them; and, whether it is his intention to fill up the second majority now vacant in that regiment, and when?

MR. CARDWELL, in reply, said, his attention was not drawn to the letter referred to in the Question of his hon. Friend until Notice of the Question was given. He had made a reference to Ireland in order to obtain an answer on the subject. With regard to the second portion of his hon. Friend's Question, he begged to say that it was intended to fill up the second majority now vacant in the North Tipperary Militia, and the question of who should be appointed was now under consideration.

TREATY OF WASHINGTON.
 TRIBUNAL OF ARBITRATION (GENEVA).
 THE INDIRECT CLAIMS.
 CORRESPONDENCE.—QUESTION.

MR. DISRAELI: Sir, I am unwilling to press Her Majesty's Government unnecessarily or unfairly with any inquiry respecting the Geneva Arbitration; but the right hon. Gentleman at the head of the Government will, I am sure, recollect that on last Tuesday week my right hon. Friend the Member for the University of Oxford (Mr. G. Hardy), on my behalf, preferred an inquiry of a distinct character upon that subject. He asked, Whether Her Majesty's Government would undertake that there should be no further proceedings before the Arbitrators of Geneva until the Indirect Claims were given up by the Government of the United States? The right hon. Gentleman then said he declined to answer that Question until after the receipt of the Despatch, which was then hourly expected. We have since had information that the Despatch has been received by Her Majesty's Government, and I venture now to make an inquiry, which I believe the public feeling demands—namely, Whether the right hon. Gentleman, being in possession of the Despatch, will now give a direct answer to the Question, which, as I have said, was asked by my right hon. Friend?

MR. GLADSTONE: The Question, Sir, of the right hon. Gentleman has anticipated a statement which it was my intention to make. There is just one very slight inaccuracy in the recital of the right hon. Gentleman which I wish to correct. I think he said—I do not know whether intentionally or not—that I had already stated we were in possession of a Despatch from America in answer to Lord Granville's Note of the 20th of March. That is not so. What I said was that we had just learnt that the American Minister was in possession of the answer, and that he had not been able to inform us precisely when it would come into the hands of Her Majesty's Government. That is not the state of facts now. A copy of the Despatch was received by Lord Granville yesterday afternoon from the Minister of the United States, and it has been considered by the Cabinet to-day. And, Sir, as far as the contents of that Despatch are

concerned, there is nothing in the Despatch that would have led us to ask, or that would have warranted us in asking, for further forbearance on the part of Parliament in withholding the Papers of the Correspondence which has taken place from immediate publication. There are, however, known to us grounds for the hope that a settlement of the entire matter may be arrived at of a character which would be satisfactory, as we are well assured, to both countries. Under these circumstances, we trust that Parliament will approve our postponing for a short time, on the specific ground which I have now stated, the production of the Papers. I do not venture to specify the number of days over which this postponement should extend; but I have no doubt the delay will be very short.

PARLIAMENT—WHITSUNTIDE RECESS.
 QUESTION.

COLONEL BARTTELOT said, he wished to ask the right hon. Gentleman a Question of which he had not given Notice, but which was of great interest to the House. He wished to know on what day they were to commence the fortnight of holiday which was promised at Whitsuntide?

MR. GLADSTONE: Sir, there never was a fortnight promised; but it was promised that the holiday should approximate to a fortnight. All these promises are necessarily contingent, to a certain degree, upon the progress of Public Business, and in the answer I am about to make I shall speak on the assumption—a very simple one, I think—that the proceedings in Committee on the Ballot Bill will be brought to a termination this evening. It may also be convenient that I should refer to the Report on the Bill. It probably will not be the wish of the House to consider the Report so early as Monday next; but we hope it will be practicable to dispose of it on this night week, in which case I should be able on the following Monday to move that the House, at its rising, adjourn until that day fortnight.

PARLIAMENTARY AND MUNICIPAL
ELECTIONS BILL—[BILL 21.]

(*Mr. William Edward Forster, Mr. Secretary
Bruce, The Marquess of Hartington.*)

AND

CORRUPT PRACTICES BILL—[BILL 22.]

(*Mr. Attorney General, Mr. Solicitor General.*)

*Considered in Committee. [Progress
29th April.]*

(In the Committee.)

PARLIAMENTARY AND MUNICIPAL
ELECTIONS BILL.

First Schedule.

MR. CHARLEY moved, as an Amendment, that the words "or by inability to read" be inserted in the 24th Rule, after the words "incapacitated by blindness or any other physical cause," page 19, line 25. The hon. and learned Member said, that this Amendment did not raise a party question. The Bill, as it stood, would disfranchise, he believed, more Liberals than Conservatives. His object was to mitigate the severity of its disfranchising clauses. The Amendment was not nearly so sweeping in its scope as the Amendment of the hon. Member for Westminster (Mr. W. H. Smith), which was discussed on Monday night. That Amendment enabled all persons incapacitated by any cause to appeal to the presiding officer for assistance. His Amendment only extended this privilege to persons "incapacitated by inability to read." He objected to the Bill as it stood, because it would disfranchise the very persons whom it was designed to protect. Illiterate voters were generally dependent, and the object of the Bill was to protect dependent voters. What a mockery to say to these dependent voters—"We will protect you by enabling you to vote secretly," when, at the same time, they, in effect, told them—"We will make the mechanical process of recording your vote so difficult that you won't be able to understand it, and therefore will be practically disfranchised." Were they prepared to take away with one hand what they gave with the other? Under the existing system the illiterate voter could, at all events, record his vote. Suppose there were 15 per cent who were dependent voters, and 10 of them could not read; were they prepared to disfranchise the 10 for the sake of protecting the remaining five? But then,

it was said, the presiding officers would falsify the vote. Well, the Bill gave the Returning Officer absolute power of rejecting votes for invalidity. If the right hon. Gentleman could trust the Returning Officer, why not trust the presiding officers? There was only one Returning Officer, but many presiding officers, and, in his opinion, the danger of corruption would be diminished by spreading the power and responsibility over a large surface. And what was the remedy proposed by the right hon. Gentleman to obviate the disfranchisement of voters unable to read? That the names of the candidates were to be distinguished by numbers; but the illiterate voter would know as little about 1, 2, 3, as he did of A, B, C. Indeed, at school, A, B, C, was taught before 1, 2, 3. And what was there to prevent the voter who could not read from holding the ballot paper upside down, and trying to decipher it the wrong way? There was another point to which, before sitting down, he wished to allude. By this Bill they were imposing a new educational test. The hon. Member for Hull (Mr. Clay), on Monday last, referred to a Bill which he introduced and withdrew in 1866—a Bill by which it was proposed to give the franchise in boroughs to those who satisfied a certain educational test. It was an enfranchising Bill, and was therefore much better than this Bill, which was a disfranchising measure. The right hon. Gentleman now at the head of the Government was Chancellor of the Exchequer when the Bill was before the House, and in moving its rejection he said—

"In the Scotch Church there is the phrase 'fencing the tables,' used by way of describing the means taken to prevent persons not properly prepared from taking part in sacred rites. My hon. Friend, I must admit, has fenced his tables very well, and the sacred rite of the franchise is not likely to be intruded upon by too many labouring men. I think my hon. Friend has totally overlooked all considerations of human feeling. In my opinion the labouring classes—the mass of the English people—would rise with dissatisfaction—I will not use a stronger word—against those enactments which my hon. Friend proposes to establish in connection with what he calls a boon, but to which he has given a very different character by this Bill. My hon. Friend proposes to burden the people with conditions of time and the observance of a multitude of forms from which the whole of us are free. And let us remember that the observance of minute particulars and dates with regard to notices and documents, and going backwards and forwards, are annoying even

to such as are in our station of life, and would become almost impossible of observance by persons of a certain station. . . . My hon. Friend might, for any use the Bill will be to them, put a cipher at its head, and substitute a cipher for every one of its clauses. . . . In my opinion, no method has yet been suggested of making any educational test practically available in regard to the franchise. . . . Regarding the amount of accomplishment and knowledge required, the cumbrous difficulty—practically, the almost impossible nature—of the process my hon. Friend requires these, I must say, unfortunate people to go through, I contend that his Bill is unsound in principle, and that it would be in-operative and even offensive in practice.”—[3 *Hansard*, clxxxiii. 1484-6-7.]

The present First Lord of the Admiralty (Mr. Goschen), speaking against the same Bill, said—

“It combines the maximum of Liberal profession with the minimum of Liberal result.”—[*Ibid.* 1499.]

The right hon. Gentleman the Member for Birmingham (Mr. John Bright) also opposed the Bill, and in the course of his remarks, said—

“The idea of education, in the sense of reading, writing, and arithmetic—and I know not what other branches of knowledge may at some time be added—seems to me to be almost puerile in considering this question. . . . The Bill might admit a large number of young men from 21 to 25 or 30 years of age. Now, I have no objection to young men; but I think a system of franchise which said to the great bulk of the existing working men of England—‘Whilst your boys of 21 shall be admitted to the franchise under this Bill, you, their fathers, because in your time education was not so common, shall not be admitted, although it may be that you have brought up those very boys in the position in which they are now’—I say a Bill like that would be wholly contrary to the constitution of the country, and would be grossly insulting to the great body of the working classes.”—[*Ibid.* 1513-17.]

All the passages he had quoted were equally applicable to this Bill. The right hon. Gentleman, in his Education Act, had provided the means for educating the rising generation; but the opportunities so afforded could be of no avail to the existing generation of working-class voters, and it was unfair first to fine and imprison the fathers if they did not send their children to school, and to punish them also by disfranchisement for not having themselves been properly educated. To defraud the working classes of the extended franchise given to them in 1867 by the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) was a policy on the part of the Prime Minister which might, indeed, be correctly described as

combining the “maximum of Liberal profession with the minimum of Liberal result.” The hon. Member concluded by moving his Amendment.

MR. ELLICE believed that the object of the Bill was not to regulate or limit the franchise, but merely to protect the voter in its independent exercise. An evening or two since he had interposed because it seemed to him that the clause, as understood and explained by his right hon. Friend (Mr. Forster), would have a very prejudicial effect upon a considerable number of voters in the Northern part of Scotland. That position was controverted by his right hon. Friend. He (Mr. Ellice) spoke at that time in general terms, and without any precise data; consequently, he was not prepared to state the exact effect which the Bill would have in the part of the country he had referred to. Since then he had been in communication with gentlemen well acquainted with the Highlands, and who were specially conversant with the condition of the population of Invernessshire, in many parts of which the English language was imperfectly known, and he now wished to call the attention of his right hon. Friend for a moment to the two polling districts of Inverness and Fort William. The district of Inverness was, including the town of Inverness, somewhat thickly populated, and contained a large number of voters. Fort William, on the other hand, had a very sparse and scanty population and a small number of voters; but the two taken together might very fairly represent the average condition of the Northern part of Scotland. After he made the statement which was controverted, he telegraphed to parties upon whom he could thoroughly depend, and he begged to assure the House that there could be no possible bias in the information which he received in reply. What he asked for was the number of voters who it was supposed would be unable to deal with the ballot papers as proposed under this Bill, and the reply he received was—

“In the town of Inverness and its vicinity nearly all are able; in the upper parishes one quarter unable; in some parishes a higher rate unable.”

With respect to Fort William, he had his information from the Sheriff, who would be the Returning Officer. He was a gentleman well known to most gentlemen in the Highlands, exceedingly well

acquainted with the whole district, and he said—

“There are 236 voters in my district; of whom 88 are Gaelic, and not able to deal with ballot papers without assistance.”

Now, upon this showing, it was plain that under the provisions of the Bill, unless modified to meet these peculiar circumstances, one-fourth, at least, would be disabled from voting in one district, and one-third in another. Taking them together, rather more than one-fourth would be practically disfranchised by the Bill as it now stood, unless some assistance was given to the voter. He did not think that that could have occurred to his right hon. Friend, who, he believed, was actuated by an earnest and honest desire to give the country a good Bill. They had arrived at a stage of the measure at which he (Mr. Ellice) thought that if there were reasonable grounds shown for the re-consideration of this Schedule, his right hon. Friend would not be indisposed to adopt an Amendment. It was a serious matter that in a Bill to protect the independence of voters, clauses were inserted which, in all probability, would tend to disfranchise a large number of them. They were going to create a complicated machinery, which, he was satisfied, that a large number of uneducated voters in various districts of the country would, without help, not know how to deal with. In all probability they would make a complete mess of the paper, or else they would not vote at all. He hoped that the right hon. Gentleman would take the matter into consideration, with a view of proposing some clause which might be brought upon the Report, to provide against the contingency he had referred to. The Bill, as it stood, would practically take away votes which Parliament had deliberately conferred, and whether this was done directly or indirectly, and whether the number of persons disfranchised was one or a thousand, the principle involved was the same, and ought not to be countenanced.

Mr. SYNAN said, he had an Amendment on the Paper of a more practical character than that under consideration. He was not disposed to give to the presiding officer the power of determining whether a man could read or write, or even to read only, and therefore proposed that he should act only on the production of a declaration to the effect that the voter

applying to him could not read, and required his assistance. It was impossible to exaggerate the importance of the point in dispute. Out of 1,540,148 adult males in Ireland, 816,000 could not read. The county of Cork, which was a model county in the matter of education, had a male population of upwards of 200,000, of whom 64,000 could not read and write—say nearly half the adult male population. The constituency numbered 16,000, and perhaps a quarter of those forming it could not read and write. If they numbered only 2,000, that was far too many to disfranchise by the Bill. Suppose the defect were not remedied, what would be the consequence? The landlord's agent would try to coach the voter by telling him that all the names would be printed one below the other, and that he was to make his mark against the first and second. But the man might say he could not count. Then the agent would tell him to put his fingers down the side against his names, and to put his mark against the name upon which his third and little finger rested. The voter would naturally ask for a paper to see how this was to be done, but of course this was forbidden. So he would go into the polling-place, and, being unable to read, he would be as likely as not to turn the paper upside down, and placing his fingers on the names, would mark the names upon which his third and little fingers rested, which would chance to be the third and fourth names, and the priest's candidates instead of the landlord's. Again, if they reversed the order of things, and supposing the voter to be coached by the priest or by the agent of the popular candidate, the voter would be as likely to vote for landlords' candidate as for the one he supported. Again, he was as likely to mark it in some wrong place or in some informal manner. By this means one-half or three-fourths of the votes of the ignorant voters would be misapplied or thrown away. It might be said they should not have votes. [Mr. RYLANDS: Hear!] If so, let the House act honestly, and pass a Bill disfranchising the ignorant. It was scarcely possible to secure absolute secrecy in regard to the vote of the illiterate voter, who was as much in need of assistance as the blind voter, for whom they had provided help. Either exclude the illiterate voter from the voting compart-

Mr. Ellice

ment, or, if they admitted them, permit the officer to give them the directions he stood in need of.

MR. LIDDELL said, he thought the hon. Member for St. Andrews (Mr. Ellice) had added a very valuable contribution to the common sense arguments by which that question ought to be decided. But it was not in the Highlands of Scotland, nor in the wilds of Galway alone, that persons were found who could not write. Scores and scores of excellent and industrious English workmen were fully competent to exercise the elective franchise, although they could not read or perform the mechanical act of writing, and common justice required that they should have proper facilities given them for voting. If the House wished to lay down an educational standard for the voter, let them say so; but they ought not to disfranchise by indirect means that class of voters. The two great arguments adduced for the Ballot were that it was easy and convenient, and that it would protect the poor and dependent voter. But they were now going practically to deprive the poor voter of his vote altogether by refusing him assistance in filling up his ballot paper. He would not, until he saw it, believe that the Liberal Members of that House would take such a course. The Amendment before them was a practical one, and he trusted it would commend itself to the good sense of the Committee.

MR. W. E. FORSTER said, that they were not considering this question in a party spirit, but they were seeking so to deal with the principle of secret voting as to cause the least inconvenience to the voters. He quite agreed that they ought not to make the Ballot Bill a means of imposing an educational standard. If it were intended to take that step it ought to be done by positive enactment. It was never meant by the Government, nor would the House permit, that the Ballot should be employed in order to disqualify persons who could not read or write. The hon. Member for St. Andrews (Mr. Ellice) had given them some figures, which had considerable force, as everything which came from him had; but it was rather doubtful whether the question had been quite fairly brought before his friends in the North, and whether many of the people referred to were persons who were unable to read English or who could not read at all. However, there

were, no doubt, a great many people in England who could not read; but he could not help thinking that they were now rather overrating their numbers, and also underrating the ability of such persons to get over that difficulty as to their votes. He maintained that the form of the voting-paper itself, the fact that that form would be known, and the additional fact that there would be hundreds of people who would tell the illiterate elector what was the meaning of the voting paper, would make it easy for every English, Irish, or Scotch elector of average sense to solve the question whether he should vote for the top, the bottom, or the middle name on the list of candidates. An ordinary artisan, whether he could read and write or not, knew very well whether one brick was above or below another. Hon. Members seemed to forget that there was something in Clause 4 that prescribed the duty of the presiding officer. Though there was a prohibition as to obtaining information as to the person for whom the vote was given, there was nothing to prevent the presiding officer answering necessary questions. A voter might ask the presiding officer—"Which is the way in which I am to hold the paper; which is the top and which is the bottom?" There was no difficulty upon that point. What the presiding officer was prohibited from doing was finding out how the voter had marked his paper. If there were no objections to giving the presiding officer the proposed power of helping illiterate voters, the Government would be glad to do so; but if they invested him with such a large power they would probably create a great want of confidence throughout the country. The mere possession of that power on his part would perhaps do more mischief than any actual misuse of it. The hon. Member (Mr. Charley) asked him whether he could not provide some machinery which would meet all these difficulties; but he need scarcely inform him that a great part of the labour he had gone through in reference to this measure had been that of considering the various plans which had been laid before him by which it was proposed that these difficulties should be overcome, and he must honestly say that he could not hold out any hope of hitting upon any plan better than that proposed by the Bill. In consequence of a suggestion that had appeared in a morning

journal that all the inhabitants of England should do their best to aid him (Mr. Forster) in finding out the best method of taking votes by ballot, he had been overwhelmed by proposals, some certainly of the most ingenious description, but all equally impracticable. One most remarkable piece of machinery proposed would not take more than one ball from one voter, and would, in a manner, spit up a second if there were an attempt to introduce it; at the same time, it counted the number of balls on each side, and appeared to meet every difficulty that had been anticipated in the working of the ballot. It was impossible, however, that such complicated machinery could be used by thousands of presiding officers and by millions of electors without there being great danger of its getting out of order either by accident or wilful act, and thus vitiating the election, and under these circumstances it would, in his opinion, be most inexpedient to adopt it, more especially as the Committee were not likely to sanction the substitution of the ball ballot for the voting paper ballot. He merely alluded to this subject in justification of himself, as he was anxious to show that he had closely looked into these various suggestions, and had not thrown them aside without having examined them. It had been stated that voting papers were a novelty, but that statement was inaccurate, because they had been used in all municipal and local elections in this country, and had been adopted in every part of the world where the Ballot was in force, except in Greece. He should gladly accept the Amendment of the hon. and learned Member (Mr. Charley), if he (Mr. Forster) did not think that they should be exposing themselves to a much greater danger by accepting it, and if he did not honestly believe that the plan they proposed was sufficiently clear to enable a voter with common sense, even though he should be unable to read, to record his vote.

LORD JOHN MANNERS said, that the right hon. Gentleman founded his opposition to the Amendment of the hon. and learned Member (Mr. Charley) on the experience of those countries where the Ballot obtained; but he must remind him that in all the Australian Colonies, to which such frequent reference was made, means were provided for taking the votes of illiterate persons analogous

Mr. W. E. Forster

to those proposed by the hon. Member. He thought that the right hon. Gentleman was bound to provide such machinery for taking the votes as would prevent any person who was enfranchised by the Act of 1867 from being practically disfranchised. All Englishmen on whom the Legislature had conferred the franchise ought to be encouraged to give their votes, whether or not they could read or write. The right hon. Gentleman said that by the Bill as framed a man who could not read would be entitled to receive that amount of assistance which would enable him to vote. But if a presiding officer answered any other question than that which the right hon. Gentleman suggested, he would be guilty of a misdemeanour. Was that a position to put the presiding officer into? Again, what sort of question was likely to be addressed to the presiding officer, when he was asked for assistance by a man who could not read? Was it not very likely to be—"Where am I to put my mark for Jones?" The speech of the right hon. Gentleman appeared to be really worth nothing at all. He protested against the clause as it stood, and unless some such Amendment as that proposed was carried it would practically disfranchise a very considerable portion of those on whom the Legislature had conferred the privilege of the franchise.

SIR EDWARD COLEBROOKE said, he thought the effect of the clause would be to disfranchise a large number of voters, and to lead to such confusion in the manner in which the votes were delivered, that the Bill would require to be remodelled in the course of another year. His right hon. Friend suggested that a voter who could not read might take counsel from the Returning Officer; but had he ever seen how even half-learned persons came to behave when they required to put their names on paper? If the Committee wished to get votes of illiterate people recorded, some means must be devised by which they might give their votes without the confusion which the clause threatened, and which might vitiate either the election or a large number of votes.

MR. RAIKES said, he could not understand why the Government should not adopt the Amendment of his hon. and learned Friend (Mr. Charley), seeing that the Bill had already provided

that where a voter had, through inadvertence, improperly marked his voting paper, he could apply to the Returning Officer for a fresh paper.

MR. DODSON pointed out an ambiguity which appeared to arise in connection with the Amendment before the Committee. The Amendment, by proposing to insert the four words "by inability to read," classed a man who was unable to read as equally and absolutely incapacitated with the man who was blind or paralyzed. And the sub-section so amended would be open to the interpretation that a man who was unable to read was to be held to be absolutely incapacitated, and be bound to apply to have his vote marked by the presiding officer. It seemed to him that the Amendment of the hon. and learned Member could not be adopted, as it would give rise to that ambiguity. Effect would be better given to the intention of the Mover of it by adopting the Amendment of the hon. Member for Limerick (Mr. Synan). And he would also alter the Amendment of the hon. Member for Limerick, by making it so run that the voter who could not read should have the option of applying to the presiding officer to mark his paper for him, accompanying his application with a declaration that he was unable to read.

COLONEL BERESFORD, in supporting the Amendment, referred to an instance in which great confusion, and even a riot, had arisen in consequence of the voters being called upon to make marks opposite the names of the candidates. Four-fifths of the voters on that occasion did not succeed in voting at all.

CAPTAIN GRÖSVENOR admitted that the number of illiterate voters was likely to decrease; but he thought some provision was necessary for them. He regretted that the right hon. Gentleman could not accept the Amendment. He would have no option but to vote in its favour. Against the evidence brought forward in support of it they had nothing but the unsupported assertions of the right hon. Gentleman. The necessity for it would, no doubt, be greatly diminished in time; and though the statesman was bound to keep one eye upon the future, it was no less binding upon him to keep the other eye upon the present.

MR. NEWDEGATE remarked that they had been told that this Bill had been introduced and pressed forward for two Sessions, not for the sake of the great bulk of the constituency, but for those unhappy electors who laboured under a difficulty in the free expression of their votes. Now, the Bill itself interposed a difficulty in the way of that class of voters who could not read, and it was inevitable that some one should assist them to give their vote unless some ingenious contrivance was adopted by which they might inform themselves. In criminal cases a highly efficacious method had been introduced of identifying persons who had committed a great offence. They were photographed, and he ventured to suggest that a photograph of the candidates should be affixed to their names, for the benefit of those who could not read their ballot paper. The whole Bill was a sarcasm on the alleged incompetency of the mass of constituencies to vote freely, and on Members of the House, to whom it imputed that they had been returned by, if not accessory to, a system of intimidation.

MR. W. E. FORSTER said, he did not rise for the purpose of repeating the arguments he had used. He thought the Committee, after their decision on Monday on the somewhat broader Amendment of the the hon. Member for Westminster (Mr. W. H. Smith), could not accept the present proposal. Were it adopted, the presiding officer would either make an inquiry into the educational state of the voter applying for his paper to be filled up, which would involve delay, or would, on his mere statement, fill it up, which would throw a large power into his hands. He admitted, however, that a good deal of sympathy had been shown by the Committee for the position of these persons, and he believed he should carry out the views of the majority if he stated that the Government were prepared to some extent to meet the case. He was willing, with verbal alterations, to accept the Amendment of the hon. Member for Limerick (Mr. Synan).

SIR GEORGE JENKINSON said, he was surprised that the Government, after secret voting had been done away with by two divisions, each resulting in a majority against them, should have offered any objection to such an Amendment as this. The strongest objections

to the clause in its present shape had come from their own side of the House, and 11 speakers had all favoured the Amendment. He had a right, therefore, to say that the Government had been compelled to yield because their own side would not support them in a clause which he would describe as iniquitous. As to the large power which the Amendment would confer on the presiding officer, why did not the right hon. Gentleman put that forward as an objection in the case of a similar concession which he had made to the Jews? He had acceded to the proposal that if the election occurred on a Saturday the officers should fill up the papers for the Jews, though in London, no doubt, there would be a very large number of them. Surely, then, as much should be done for Christians who could not fill up their papers from not being able to read. He was perfectly certain the people of England would appreciate this Bill when it came before them. Government showed their apprehension of this by not daring to take the sense of the people upon it. He believed that this Bill was repugnant to the feelings of the people of England, as it was to the majority of the Members of the House, and that the Government dared not put it to the test of having their opinions recorded. They had refused to give way and had been beaten; again they had refused to yield until pressed and squeezed by their own supporters, when they gave way to avoid another defeat; and now, after refusing to give way to the Opposition, they had yielded to their own supporters, not because the proposal was fair and just, but because of the quarter whence the pressure came. This was an unfair Bill, and it would be unworkable without alteration.

MR. ELLICE said, he stated at first that the Amendment of the hon. and learned Member for Salford (Mr. Charley) would require to be modified in some such way as that suggested by the right hon. Gentleman in charge of the Bill. The Amendment of the hon. Member for Limerick (Mr. Synan) met his view completely, and he should think it would also meet that of the hon. and learned Member for Salford, to whom he would put it, therefore, whether it would not be better to withdraw his Amendment and accept the offer made on the part of the Government.

Sir George Jenkinson

MR. W. E. FORSTER said, he hoped the hon. and learned Member for Salford would yield to the appeal just made to him; and in reply to the remarks just made he would say that the position of a person in charge of a Bill was not an enviable one. If he refused to yield on a point which was important, he was called obstinate; if he yielded on one that was not vital, he was called squeezable; and in regard to details it was the business of a person in charge of a Bill to ascertain, if he could, the opinions on both sides of the House, and to give effect to them, so far as he could, consistently with the principle of the Bill. He had come to the conclusion that the general feeling of the Committee was that some provision should be made for persons who could not read and write, and although he was not convinced, he thought it unwise to waste time and resist that conclusion.

MR. DISRAELI said, he had no fault whatever to find with the conduct of the Government in reference to the Bill. As he understood it, they accepted the proposal of the hon. Member for Limerick (Mr. Synan), and therefore he would recommend the hon. and learned Member for Salford (Mr. Charley) not to press his Amendment; but he should like a clear understanding of the situation. If the proposition of the hon. Member for Limerick was to be adopted, it should be adopted at once—[Mr. W. E. FORSTER: Quite so]—and without alteration, so that the Committee would know at once what was the decision it had arrived at.

MR. W. E. FORSTER said, the proposal of the right hon. Gentleman was perfectly fair. The only alteration he would make in the Amendment would be to retain the words relating to the declaration and omit those at the end of the Amendment relating to perjury.

MR. JAMES said, he wished to say one or two words before this bargain became a contract. He protested against the proposition being accepted without there being time for full consideration. The Amendment of the hon. Member for Limerick (Mr. Synan) was fatal to secrecy, and it would give to one individual a power which would be objectionable to every friend of the Ballot. Of course, the right hon. Member for Buckinghamshire (Mr. Disraeli) cheerfully accepted it; but he was surprised

that the right hon. Gentleman in charge of the Bill did not ask for time to consider it. According to that Amendment, the voter, before he went to the poll, would have to make a declaration which any corruptor or intimidator could make for him; and he would take this declaration with him to the Returning Officer, upon whom there would be no check, and who could therefore give such vote as he liked. The voter would be unable to tell which way the vote was given, for if he were able to tell he would be able to vote for himself. If there were no check on the Returning Officer, he would have the power of disposing of the vote of every illiterate voter; and however honourable a man he might be, there would be sure to be a portion of the constituency who would suspect him. If the Amendment were to be accepted, why should not the vote be recorded in the presence of a third person? If an agent were objected to, let the voter take a friend in whom he had confidence. If this fatal step were to be taken, against the taking of which he protested, do not let them invest the presiding officer with the power of giving votes. He would ask the Committee not to be led away now, but to take time to consider whether the Amendment of the hon. Member for Limerick would not make the Bill worse than useless.

MR. RYLANDS wished to say that the discussion on the Amendment of the hon. and learned Member for Salford (Mr. Charley) had been one-sided, inasmuch as the speakers on the Government side of the House sat above the gangway, and the supporters of the Ballot sat below the gangway. For one, he did not hesitate to adopt every word which had just fallen from the hon. and learned Member (Mr. James), and to say that the adoption of the Amendment of the hon. Member for Limerick (Mr. Synan) would strike fatally at the object of the Bill. It would give an immense control over the illiterate voters to the Returning Officer; and although he might be respectable and trustworthy, it should not be forgotten that his deputy was generally merely an attorney's clerk. Under the clause of the hon. Member for Limerick, he would undertake to contest the constituency against him if he could fee the deputy Returning Officers handsomely, and he should be confident of the result, always assuming that the

hon. Member did not outbid him. He trusted the right hon. Gentleman would hesitate before he accepted this Amendment on the recommendation of the right hon. Gentleman opposite (Mr. Disraeli), as by doing so he would give the Ballot a stab which he believed it would not survive.

MR. W. E. FORSTER said, his hon. Friend must be aware that he had no intention of accepting the present Amendment. He had some cause to complain of the remarks of his hon. Friend, and of the hon. and learned Gentleman who preceded him. The hon. Member for Warrington (Mr. Rylands) stated that the ball went from one side of the House to the other, and that a fatal blow against the Ballot had been struck on both sides. But surely the hon. Gentleman and those who agreed with him ought to have interposed and caught the ball. The feeling of the Committee certainly was that this alteration ought to be made, and although he did not conceal the fact that he did not like it, he must altogether deny that it would be such an evil as the hon. Member for Warrington imagined. He might mention that no one was a more ardent supporter of the Ballot than the hon. Baronet the Member for Chelsea (Sir Charles Dilke), who nevertheless declared before to the Committee his preference for the Victorian plan, which authorized the presiding officer to fill up the papers of voters who were unable to read and write. Ever since he had to deal with the Ballot he felt this was a very difficult question, and that strong arguments might be advanced on either side. He had put it to deputations of working men, and had by no means got a conclusive answer as to their feelings upon the matter, the answer being sometimes one way and sometimes the other. The hon. Member for Limerick (Mr. Synan) was himself a very strong supporter of the Ballot, and what he (Mr. Forster) had said to him was that he would accept substantially his Amendment, but that he must not be surprised to find that there were some alterations or modifications upon the Report. He thought that it was doubtful whether other persons beside the presiding officer and the voter should be present, because those other persons would probably be agents of the candidates, the landlords, or some other person of influence. He

hoped, therefore, that the Amendment of the hon. and learned Member for Salford (Mr. Charley) would be withdrawn.

MR. COLLINS said, he thought that the right hon. Gentleman (Mr. Forster) was rather hard on his supporters. They had not discussed the proposal because the hon. Member for Shaftesbury (Mr. Glyn) had passed the word to be silent. He hoped his hon. and learned Friend the Member for Salford (Mr. Charley) would withdraw his Amendment on the understanding that the Amendment of the hon. Member for Limerick (Mr. Synan) was adopted at once, as had been suggested by the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), though it was true that it might require amendment.

MR. CHARLEY, in accordance with the suggestion of the right hon. Gentleman the Member for Buckinghamshire, said he would not press his Amendment.

Amendment, by leave, *withdrawn*.

MR. CRAWFORD moved in page 19, line 26, after "Act," insert—

"Or (if the poll be taken on Saturday) of any voter who declares that he is of the Jewish persuasion, and objects on religious grounds to vote in manner prescribed by this Act, shall"

The object of the Amendment was to enable Jews to vote when elections took place upon their Sabbath.

MR. CAVENDISH BENTINCK moved that the Amendment should be so altered as to apply to all persons who on any day of the week might object on religious grounds to fill up their voting papers.

MR. W. E. FORSTER said, that the Amendment of his hon. Friend the Member for the City of London (Mr. Crawford) was intended to apply only to members of the Jewish persuasion, who were forbidden by their religious law to write on Saturday, and he could not agree to insert the words just suggested.

Amendment (*Mr. Cavendish Bentinck*) *negatived*.

Amendment (*Mr. Crawford*) *agreed to*.

MR. H. B. SAMUELSON moved in page 19, line 26, leave out "cause," and insert "himself secretly mark." He thought it important that the knowledge of how any man had voted ought to be limited as narrowly as it was possible.

Mr. W. E. Forster

MR. W. E. FORSTER said, he hoped the Amendment would not be pressed. It would greatly delay the polling if the Returning Officers were alone empowered to mark the papers where necessary, instead of their clerks, who were also bound to secrecy by penalties, being allowed to assist in the work.

MR. CHILDERS supported the view of the right hon. Gentleman (Mr. Forster), but urged the importance of subjecting the clerks, as well as the Returning Officers, to severe penalties, if they disclosed the votes or attempted directly or indirectly to influence the voters.

MR. W. E. FORSTER suggested that the power of marking the ballot papers of persons unable themselves to mark them should be confined to the Returning Officers and their clerks. If the Amendment were not pressed, he would undertake to consider the point raised by it, and also the suggestion of his right hon. Friend the Member for Pontefract (Mr. Childers.)

Amendment *negatived*.

MR. SYNAN, on rising to move formally the Amendment of which he had given Notice, and upon which he had already addressed the House, remarked that a deal of unnecessary heat had been introduced into the discussion by the hon. and learned Member for Taunton (Mr. James), who charged him by insinuation with having entered into a secret compact with Her Majesty's Government and with the Opposition for the purpose of carrying an Amendment, the effect of which would be to render corruption easy. He denied the accuracy of this, and declared that his only object was to save the votes and protect the voters. The hon. Member concluded by moving his Amendment.

Amendment proposed,

In page 19, line 28, after the word "box," to insert the words "Provided further, That on the application of any voter who is unable to read, and on the production by him to the said officer of a declaration that he is so unable, the said officer shall cause the vote of such voter to be secretly marked on a ballot paper in manner directed by the said voter, and the ballot paper to be placed in the ballot box; and the said officer shall retain the said declaration and hand the same over to the returning officer."—(*Mr. Synan*.)

Question proposed, "That those words be there inserted."

MR. M'MAHON opposed the Amendment on the ground that it would inter-

fers with a vital principle of the Bill and render corruption and intimidation much more easy than it would otherwise be.

MR. M'CARTHY DOWNING said, out of the 16,500 electors in his county (Cork) he did not think there were 50 who would not be able to exercise their right of voting according to the provisions of the Bill as it originally stood. He wished the right hon. Gentleman in charge of the Bill would look below the gangway, before adopting as he did the proposals of those immediately behind him. The right hon. Gentleman would then be prevented, if that were possible, from making any further mistakes in this Bill. The proposal was, that a voter should be enabled to have his paper marked for him if he made a declaration that he was "unable to read." Read what? There was no Gentleman in that House who could not with truth make a declaration that he was "unable to read" something or other. He could assure the right hon. Gentleman that there was a certain number of Gentlemen sitting upon that side of the House who would not be led away even by the right hon. Gentleman himself, but who would be true to the pledges they had given and still do their best to pass an honest Bill and to prevent the adoption of anything that looked like a sham. There were, under existing arrangements, 10 polling-places in his county. In accordance with the proportion fixed by the Bill these would at once be increased to 110, with an equal number of presiding officers. He contended that the real effect of this Amendment would be to disfranchise a large number of voters. Besides, no provision was made for those electors who were unable to speak English, and each polling-booth would have to be furnished with an interpreter. The principle of the Bill was now torn asunder, and the Returning Officer might be able to turn an election if he chose to act dishonestly.

THE O'CONOR DON said, he was alive to the danger of entrusting so great a power to the hands of the Returning Officer, but they had to consider a choice of evils. Personally, he had approved the proposal to adopt the use of the colours; but the Committee had refused to sanction that plan. He would remind his hon. Friend (Mr. Downing) that the position of the man who could not speak English would not be affected either one

way or another by the proposal now under consideration.

MR. W. E. FORSTER said, it had been suggested to the hon. Member for Limerick (Mr. Synan) to omit the declaration "before a magistrate," because it was open to the objection that it would probably entail an expenditure of money on the part of the voter. It might be necessary to make it clear that the declaration was a *bond fide* declaration by the voter of his inability to read the ballot paper, and he would undertake to insert some words on the bringing up of the Report to effect that object, and he would be happy to receive the assistance of his hon. Friends the Members for Cork (Mr. Downing) and New Ross (Mr. M'Mahon) in framing such a provision. In going to a division he desired it to be understood that the Government, recognizing what was understood to be the feeling of a great number of the Committee, and also the difficulties which beset the question, were prepared to do what they could to meet the case of those voters who were unable to read; but some safeguard would have to be provided against the abuse of power which the Amendment would place in the hands of the presiding officer. To re-assure the mind of his hon. Friend the Member for Cork, he might state that there was only one country where the Ballot was in use where provision was not made for the case of voters who were unable to read.

MR. H. B. SAMUELSON said, he preferred an Amendment of his own, which could come on subsequently, that the candidate's name should be printed on a ground of such colour as he or his agent might select. He should therefore vote against the Amendment of the hon. Member for Limerick (Mr. Synan).

MR. CRAUFURD said, he thought it right that some one from the North should enter a protest against the course of Her Majesty's Government. They in the North, at any rate, could read and write, and they did not require such a provision as that proposed; and he was surprised that the Vice President of the Council should for a moment have thought of adopting a provision which would render the Bill, as a Ballot Bill, almost useless. He spoke the sense of all those who wished for a secret ballot, that they would rather not have the Ballot at all than have it with this Amend-

ment. If a specimen ballot paper were printed large enough and posted up, even those who could not read would become sufficiently familiar with it to be able to mark it properly.

MR. REDMOND expressed his dissatisfaction at the disposition that had been shown by the right hon. Gentleman to accept the Amendment which would have the effect of lessening the efficacy of the measure. He had just left his constituency, and one of the declarations that he made was that he would support the Government in the efforts they were making to insure that this Bill should be a real and not a sham Bill. He regretted exceedingly that in the first division in which he was called upon to take a part he should have to vote against the Government. To create the slightest suspicion in the minds of the electors of Ireland upon the question of voting would produce the greatest harm possible. What they required was a really efficacious measure, and not a sham.

MR. GLADSTONE said, he was desirous that no exaggerated views should go forth to the country, but erroneous impressions would prevail if it were supposed that the Committee was discussing the question of a real or sham Bill. There might be those in the House—though he did not pretend to say that there were—who put down Amendments with the view of impairing the efficiency of the Bill; but such an imputation ought not to be made except on the clearest evidence. It was the duty of the Government to consider impartially every suggestion that was made, and it was impossible for a man of candour to examine the question before the Committee without seeing that it was one of considerable difficulty, though its operation would be on a small scale. The hon. and learned Member for Cork County (Mr. Downing) had expressed his belief that there were not 50 out of the 16,000 voters he represented who could not read and write. ["No, no!"] [MR. M'CARTHY DOWNING: Who are not able to exercise the franchise.] But if so, there were not 50 men who would be entitled to make this declaration, and therefore even supposing it were a declaration before a magistrate, which he apprehended it would be, where was the ground for fearing some great wholesale operation which was largely to affect the character of the election? For his own

Mr. Craufurd

part, his belief was, that this declaration would not be largely used. The great bulk of intelligent men, if they could not read or write, could count, and they would be able to put their mark against the candidates for whom they wished to vote. There were other securities. It was not a very attractive thing for a voter to come forward and make a declaration that he could not read or write. As a general rule, a man would not do so unless there was a real necessity for it; and, upon the whole, he could not believe there was any reason for supposing that any great effect upon the efficiency of the Ballot was to be produced one way or the other by this Amendment. But, unquestionably, there was force in the appeal that had been made that the Bill should be divested of anything that was likely to have a disfranchising effect. If there were those who required assistance in voting from their inability to read and write, it would be a very odious and invidious reproach, which would be justly made against the Government unless, under an imperative necessity, they consented to exclude from the Bill provisions under which those who could neither read nor write could receive assistance how they should vote. It was a question of considerable difficulty; but he was inclined to hope that they were leaning to a just decision. But whether it was so or not, he hoped they would not allow it to be supposed that they had been engaged in a struggle of life and death, such as to determine whether this was to be a Bill or no Bill; but to approach the question as it really deserved, when he felt satisfied the Committee would come to a just conclusion.

THE O'DONOGHUE said, the hon. Member for Limerick (Mr. Synan) had done good service in bringing forward this Amendment. He was sorry to say that in his part of the country (Tralee) a great number of voters were unable to read or write, and the Government had simply to choose between disfranchising them, and affording them facilities for recording their votes under this Bill. It, however, should be borne in mind that it was perfectly optional with the voter to exercise this privilege or not.

MR. JAMES said, that once more, not in anger but more in sorrow, he protested against the course that was being adopted by Her Majesty's Government. He hoped he had given proofs of his

wish not to throw obstacles in the way of the progress of this measure; but he wished the right hon. Gentleman in charge of the Bill to recollect that the opponents to the Amendment who had stood by him and expressed their views on Monday night last had no knowledge of the Amendment until it was put on the Paper this morning, which had prevented many from knowing what it was until within a few hours they were called upon to express an opinion upon it. And now, when practical suggestions were made, an admission was made by the Government that they intended practically to accept the Amendment. The Prime Minister had told them it was a question of great difficulty; and that being so, the more time was required for consideration before arriving at a decision. Like the right hon. Gentleman, he was unwilling to disfranchise voters; but, on the other hand, he was unwilling to increase presiding officers; and although he had said that only 50 voters need make this declaration, the opponents of the Amendment feared that those who need not avail themselves of it would be induced to make it, for the causes for which the Ballot Bill had been introduced to remedy. The Prime Minister, a few nights ago, warned his Friends not to listen to the cheers of hon. Members opposite; and he (Mr. James) would ask the right hon. Gentleman not to listen now to the grateful murmurs of hon. Members opposite in approval of the concession, but learn from it what he might expect would result from it.

MR. W. E. FORSTER said, he did not think there was much practical difference between himself and the hon. and learned Gentleman who had just addressed the Committee. He agreed that the power of the presiding officer would have to be very carefully considered with a view to its limitation, and it would be necessary that something should be done with regard to it on bringing up the Report. All the Government wished to determine by this Amendment was, that persons who could not read should not be disfranchised. He trusted that the Committee would go to a division without regarding it as a party division, and that they would have the real opinion of the Committee on that question.

Question put.

The Committee *divided*:—Ayes 242; Noes 88: Majority 154.

MR. CAWLEY moved the first of a series of Amendments on the 25th sub-section which deals with the subject of personation. As the sub-section now stood, in the case of a voter who tendered his vote—and it appeared that a vote had already been given by another person in the same name—the man who tendered the second vote would have his ballot paper marked with his name and number on the outside, and placed in the list of tendered votes, and in case of a scrutiny the paper would be opened, and it would then be known for whom the person tendering the vote had voted; whereas the vote of the first person, who might be the real personator, would have been put in the ballot box, and would be regarded as a good vote. So that the unfortunate men who had been personated would be the only class whose votes, under the Bill, would become known, while the personator would escape detection. Personation in most cases—and especially in the great towns—would only be made in the names of the dead or the absent; but when it was made in the name of a living voter, the only vote which could be challenged would be that of the legitimate voter who would come up after the guilty personator had voted for him. The Committee had decided that personation should be a felony; and, therefore, under this Bill, a man might be arrested after he had personated, or when he was tendering a personating vote. It was a most anomalous state of things that a man who might be arrested when he had voted, or was about to vote, had still a perfect right under this Bill to have his voting paper put in the box, and his vote would be counted at an election, though he might be tried, and, when found guilty, condemned to serious punishment. He (Mr. Cawley) proposed to insert words which would make the vote of any man which was challenged a tendered vote, and not an absolute vote; but that the way in which the person tendering the vote proposed to vote should not be known, inasmuch as the challenged voting paper should be placed in an envelope, which should be marked, instead of having the voting paper itself marked. In a subsequent portion of the Bill he intended

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to propose another Amendment, the effect of which was that in cases of personation, as that offence depended on identity, the Returning Officer should be empowered to hear evidence on oath in relation to the charge, and should himself decide it without going through the long and expensive process of a scrutiny before an Election Judge. It was clear that after a vote was given in the ordinary way under the Ballot it would be impossible to strike it off, because the way in which the vote was given would not be known, and, therefore, all challenged votes should be made merely tendered votes, and should not be put into the ballot box, until the charge of personation had been heard and decided, which should be done as speedily as possible before the Returning Officer before the official counting of the votes took place. His first Amendment which he now moved was the insertion, in line 30, of the words "to whose right to vote objection shall be then taken on the ground that he is not such person."

Amendment proposed,

In line 30, after the word "paper," to insert the words "to whose right to vote objection shall be then taken on the ground that he is not such person or."—(*Mr. Cawley.*)

Question proposed, "That those words be there inserted."

MR. W. E. FORSTER said, he could not assent to the Amendment of the hon. Member, because it would enable the presiding officer at his own discretion to use a vote, and would, in fact, abolish the present law; because, according to the present law, if a man tendered a vote and the presiding officer suspected that he intended to personate, all he could do was to put the oath to him, and if he answered in the affirmative he was bound to take the vote. He believed that law was passed in consequence of its having been discovered that it was very inconvenient to leave it to the discretion of the Returning Officer to say who was and who was not a voter. The effect of the Amendment would be that the vote of a person to whom objection was taken on the ground that he was not such person would not be counted, and would be put aside by the Returning Officer.

MR. CAWLEY said, the answer of the right hon. Gentleman was entirely beside the question.

Mr. Cawley

MR. W. E. FORSTER said, if the Amendments of the hon. Member were taken as a whole, the Returning Officer, after refusing to take the votes in question on the day of the poll, would be placed in the position of an Election Judge, and would have to determine whether or not they were valid. That would lead to endless delay, and open the door for operations on the part of election agents.

MR. BERESFORD HOPE supported the Amendment. If it were undesirable that the Returning Officer should decide upon the validity of tendered votes the matter might be left to the decision of a stipendiary magistrate or two justices of the peace. Anything that would tend to get rid of the scandal of personation would be a benefit to public morality.

MR. GOLDNEY said, he thought the Amendment right in theory, but it would be difficult to carry out in practice.

Question put.

The Committee divided:—Ayes 22; Noes 77: Majority 55.

MR. MUNTZ urged the importance of taking precautions against the ballot box being tampered with by the Returning Officer. He was in France about 20 years ago, when a vote was taken on a new system of government, and it was almost universally believed that unfair returns were made; the officials, indeed, being so zealous for their new master that they returned a larger number in his favour than that of the whole adult male population of France. In Paris, Lyons, and other large towns such practices were, no doubt, out of the question, and there Opposition candidates were repeatedly returned; but it was believed that in many of the rural departments duplicate locks and seals were used, by means of which the voting papers were manipulated over-night. He did not suppose English Returning Officers would resort to such devices; but what might happen hereafter could not be known, and it was desirable to prevent the possibility and even the suspicion of trickery. At his last election he had a majority of 5,000 or 6,000; but his opponents expected from their canvass up to the previous night a majority of 2,000 or 3,000, and had ballot boxes then been left for the night with the Returning Officer, who was rather a friend of his, suspicion might have rested on him. It might

be said that if 100 presiding officers had to meet in one room and count the votes in the presence of the Returning Officer and of the agents, the process would be a tedious one; but Members of the House underwent the fatigue of sitting till 2 or 3 o'clock in the morning, and a Returning Officer might go through a night's work, for the duty was not likely to fall on one man more than twice in his life. Without such a regulation the public would lose confidence in the Ballot and in their being fairly represented by the Members returned. He therefore moved, in page 20, line 19, to leave out all after "shall," and insert—

"Convey such packets to the Returning Officer, so that the number of votes may be ascertained before the presiding officer of each station or the agents (if any) of the candidates shall have lost sight of the ballot box."

MR. W. E. FORSTER agreed in the necessity of taking every reasonable precaution—in fact, sufficient precaution—against any possible tampering with the ballot boxes, though the Committee might congratulate themselves on the suspicions raised in a neighbouring country being unlikely to arise here. He could not accept this proposition, however, because it was impracticable. In a large borough or county all the presiding officers could hardly be crammed into one room, and before the counting was over sleep would close the eyes of some of the persons who were to watch or take part in it. They would have to sit up one night and perhaps two. His hon. Friend appeared to underrate the precautions embodied in the Bill. The rules stated that at the close of the poll the papers were to be sealed in separate packets with the seals of the presiding officer and of the agents of the candidates, and that the presiding officer was to deliver such packets to the Returning Officer, who could only count the ballot papers in the presence of the agents. If a night intervened, they were to be again sealed by the Returning Officer and agents, while the presiding officers had to account to the Returning Officer for all the papers issued, and he in his turn to the Clerk of the Crown. He thought that was sufficient precaution to prevent any tampering; but he proposed to take the additional precaution in Rule 32 after the word "shall" in the lines "before the Returning Officer proceeds to count the votes he shall open

each ballot box," to insert, "in the presence of the agents of the candidates."

MR. AUBERON HERBERT observed that the object of the Amendment was not so much to guard against fraud as to prevent suspicion of fraud. His right hon. Friend had given no sufficient reason for not adopting the Amendment. Surely the mere deprivation of sleep in the case of a Returning Officer for a few hours in one night would be held of little account in that House, where they were accustomed to such late hours.

MR. MELLOR asked whether it would not be possible to count the papers before they left the polling booth?

MR. W. E. FORSTER said, he thought that would increase the danger.

MR. GOLDNEY said, he thought the checks already provided were quite sufficient to prevent fraud or the suspicion of fraud. He did not see how the return could be made up at all if any additional checks were imposed.

DR. LUSH felt convinced if the suspicion once got abroad that the ballot-box could be tampered with, the secrecy of voting would be entirely frustrated.

MR. SCOURFIELD reminded the hon. Member for Nottingham (Mr. Herbert) that although they often sat until a late hour in that House, it did not prevent hon. Members from going to sleep, which some seemed to enjoy very much.

MR. ANDERSON was of opinion that the ballot boxes should not be lost sight of until the result had been ascertained.

MR. W. E. FORSTER really did not see how they could adopt the Amendment of his hon. Friend (Mr. Muntz). It might be very desirable not to lose sight of the ballot box, but the parties would lose sight of it by falling asleep. Even if the scheme could be worked, it would add largely to the expenses of an election.

DR. BREWER preferred the Schedule without alterations.

MR. MUNTZ believed that there would be no difficulty in carrying out his proposition without adding to the expenses.

MR. AUBERON HERBERT asked whether the right hon. Gentleman would be ready to insert words to allow the agents of candidates, if they chose to do so, to watch the boxes during the night?

MR. W. E. FORSTER said, he would think over the suggestion if his hon.

Friend would put it into a form which could be adopted; but he thought they would want somebody to watch the agents.

Amendment, by leave, *withdrawn*.

MR. W. E. FORSTER proposed the addition, in line 28, page 20, respecting the counting of the votes, of the words "in the presence of the agents of the candidates."

Amendment *agreed to*.

MR. W. E. FORSTER moved, in Rule 54, page 24, line 36, at the end of Rule, insert, as a fresh paragraph—

"The expression 'agents of the candidates,' used in relation to a polling station, means agents appointed in pursuance of section eighty-five of the Act of the Session of the sixth and seventh year of the reign of Her present Majesty, chapter eighteen."

Amendment *agreed to*.

MR. M'LAREN said, that in regard to elections, they laboured under very considerable disadvantages in Scotland as compared with England. The Provost of a burgh in Scotland had no power to act as Returning Officer, and there was not a single deputy-officer who was not a lawyer. The practice in Scotland was to pay these officers three guineas, while in England the practice was to pay them two guineas. To that extent there was an additional cost on Scotland. Then the Reform Act of 1831 did not enact that these deputy Returning Officers or presiding officers at the poll should be lawyers—the words used were "The Sheriff or Sheriff-Substitute," and the use of these words had led to the popular notion in Scotland that the men appointed to this office should be lawyers—in other words, a legal officer receiving Government pay, and having a Government appointment. In England there was no such rule, and the practice was now growing up in England to appoint as presiding officers men who were not lawyers, and who received no payment for their services. He therefore proposed, as an Amendment, in page 24, line 40, to add the following words:—

"In the seven cities and burghs, which severally return one or more Members to Parliament, the Lord Provost, Provost, or acting chief magistrate shall be Returning Officer, and in districts of burghs each Provost or acting chief magistrate shall be a presiding officer at the poll in his own burgh, and accountable to the Sheriff as Returning Officer for the district of burghs. It shall be

Mr. W. E. Forster

lawful for the Sheriff to appoint as presiding officers at the poll persons not belonging to the legal profession, and no presiding officer shall be entitled to a fee of more than two guineas."

He proposed the Amendment not so much for the purpose of pressing its adoption at the present stage, but in the hope that, after the ventilation of the subject, some such provision might be adopted on the Report.

THE LORD ADVOCATE said, that with regard to the first part of the Amendment, he was disposed to agree with the hon. Member. In Scotland the Sheriffs of counties were the Returning Officers not only for the counties, but also for the burghs within the counties, and the object of the Amendment was to make the chief magistrates of seven large burghs the Returning Officers for the burghs, superseding the Sheriff; but that the Sheriff of the county in which the burghs were situated should still be the Returning Officer. He should be very glad to consider that proposal, and, according to his present impression, to consider it not unfavourably. With respect to the second part of the Amendment, the hon. Member was quite right in his statement that it was not the law, but only a popular error, that Sheriffs were constrained to appoint lawyers as their substitutes with reference to election matters. That being clearly so, it did not occur to him that an enactment of the Legislature would be a very judicious method of correcting a popular error—an error which certainly did not extend to the Sheriffs themselves, because they, as lawyers, knew very well that it was open to them to appoint competent persons without legal qualification. As regarded the fee of three guineas, that was prescribed as the maximum—the fee was not to exceed that sum—and he thought it should be allowed to stand so, because there were many cases in which three guineas were certainly not excessive.

MR. ORR-EWING expressed the opinion that the country would prefer it if the post of Returning Officer were retained in the same hands as at present.

Amendment, by leave, *withdrawn*.

Amendment made, after Rules 56 and 58, "Sheriff's Clerks" in Scotland, "Clerk of the Crown and Hanaper" in Ireland, to be construed to the same effect as "Clerk of the Crown in Chancery" in England.

MR. H. B. SAMUELSON moved, in Second Schedule, page 31, line 24, after "large," insert "black." Same line, after "form," insert "upon a ground of such colour as the candidate or his agent may select." The proposal was perfectly simple, and as every voter identified his opinions with a colour, the result would be to enable every voter, however illiterate, to record his vote.

THE CHAIRMAN said, that an Amendment of a similar character had already been decided by the Committee, and therefore this Amendment could not be discussed.

MR. H. B. SAMUELSON said, he thought it would have been as well if he had been stopped before troubling the Committee with any observations; but he submitted that his Amendment was not the same as that which had been already disposed of. ["Order!"]

MR. VERNON HARCOURT said, he thought it would be well if the Committee knew the rule which governed them in this matter; because, when some time ago the Committee struck from one of the clauses the word "wilfully," his right hon. Friend who had charge of the Bill proposed next day to insert words which were exactly equivalent.

THE CHAIRMAN said, it appeared to him that the hon. Member was about to propose that which had been substantially before decided by the Committee—that in the ballot paper the name of each candidate should be accompanied by some distinguishing colour, and his ruling was, that an Amendment virtually to the same effect could not be put to the Committee.

MR. BOWRING said, that before the hon. Member for Salford (Mr. Cawley) moved his Amendment, he would move the omission of the side-note to the Second Schedule, with a view to a subsequent Amendment.

Side-note omitted.

MR. BOWRING then moved to insert in the blank in the Schedule the word "cross" as the mark which the voter was to put in the ballot paper against the name of each candidate for whom he voted. He objected to allow the insertion of any other mark, and contended that it was a very natural thing for an illiterate man to mark his voting paper with a cross.

MR. CAWLEY said, it was no doubt desirable to have uniformity; but a voter might make a mark which was not a cross at all, and he therefore moved the addition of the words "or other mark."

MR. W. E. FORSTER remarked that he had consented to the omission of the side-note—first, because it was not very intelligible; and, secondly, because it was undesirable to let the Returning Officer decide what kind of a mark should be made. Nobody intended that a vote should be cancelled because a man marked his paper with a mark which was not a cross. In his opinion it was of little importance whether the words "or other mark" were inserted or not.

MR. R. N. FOWLER said, he thought it was advisable to have simplicity, and could not perceive why any mark should not be as good as a cross.

MR. CANDLISH pointed out that another section of the Bill would prevent any vote from being lost by reason of an informality in making the mark.

MR. STEPHEN CAVE said, the Committee were arguing about a mere matter of form, as the Government had declared that if any other mark than a cross were made the vote would still be good. On the whole, it would be better to accept the Amendment of the hon. Member for Salford (Mr. Cawley).

MR. W. E. FORSTER said, this part of the Bill did not contain enactments, but merely directions for the guidance of the voter, and he did not think it would make much difference whether the Committee inserted "cross" alone, or the words "cross, or other mark." If, however, "cross" alone were inserted, it would be equivalent to advising the voter to use that particular kind of mark.

MR. F. S. POWELL expressed the opinion that the Amendment ought to be agreed to, or otherwise the difficulties prepared by the Bill for the voters would be very considerably increased.

MR. LEATHAM said, it was absolutely indispensable to prevent voters from making such marks as would render the identification of votes possible. If the Amendment of the hon. Member for Salford (Mr. Cawley) were agreed to, an agreement might be made by a voter to use a particular mark in order that his ballot paper might be identified.

MR. GOLDNEY said, the 13th clause provided that an election should not be declared invalid in consequence of an infringement of the Rules in the First Schedule; but it did not follow that such an infringement would not render a vote invalid.

MR. JAMES remarked that Clause 13 was not applicable to this regulation, which was in the Second Schedule. If they told a voter that he might put any mark he liked, how could they prevent him putting his initials, or any particular mark? But the Bill provided that if a voter could not be identified by his mark, his vote should be void and not counted.

MR. W. E. FORSTER was inclined to think that the word "cross" which was inserted in the last Bill should be inserted in this Bill. If the word "cross" were inserted, he would undertake to move on the Report the addition of other words if, upon obtaining legal advice, he found that such addition was necessary.

MR. CAWLEY, on the understanding that the right hon. Gentleman would return to the question on the Report, would not press his Amendment.

MR. F. S. POWELL said, he thought the difficulty suggested by the hon. and learned Member for Taunton (Mr. James) might be overcome by inserting after the word mark "by which the voter cannot be identified."

Amendment (*Mr. Cawley*) withdrawn.

Amendment (*Mr. Bowring*) agreed to.

Schedule agreed to.

Remaining Schedules and Preamble agreed to.

MR. STEPHEN CAVE asked whether the Bill would be reprinted before the Report?

MR. W. E. FORSTER said the Bill would be instantly reprinted and delivered to Members of the House.

In reply to MR. R. N. FOWLER,

MR. W. E. FORSTER said, the Report would be fixed for that day week.

Bill reported; as amended, to be considered upon *Thursday* next, and to be printed. [Bill 139.]

Mr. Leatham

UNLAWFUL ASSEMBLIES (IRELAND) ACT REPEAL BILL—[Bill 72.]

(*Mr. Patrick Smyth, Sir Patrick O'Brien, Mr. Synan, Mr. Digby, Mr. Downing, Mr. M'Mahon, Mr. Maguire.*)

SECOND READING.

Order for Second Reading read.

MR. P. J. SMYTH*: Sir, in moving the second reading of the Bill for the repeal of the Act of 33 *Geo. III.*, c. 29, I deem it necessary to offer a few words of explanation. The title of the Act—"To prevent the Election or Appointment of unlawful Assemblies"—is calculated to mislead. Its more correct title would be "an Act to create Unlawful Assemblies," for it renders unlawful any assembly of delegates or representatives, how lawful or constitutional soever the object of such assembly may be. It enacts that—

"All assemblies, committees, or other bodies of persons elected, or otherwise constituted or appointed, are unlawful assemblies, and all persons giving or publishing notice of the election to be made of such persons or delegates, or attending, or voting, or acting therein by any means, are guilty of a high misdemeanour."

The House, then, I hope, clearly understands that my object is not to encourage unlawful assemblies in Ireland; but, on the contrary, to elevate the tone of public assemblies by restoring to my country the right of public meeting, in accordance with the forms prescribed by the Constitution, and sanctioned by the custom of England from time immemorial. This Act was passed by the Irish Parliament in the year 1793. It was vehemently opposed by Mr. Grattan. He said its object—

"Was not the peace of the country, but reflection on great bodies, the gratification of spleen at the expense of the Constitution, by voting false doctrine into law. His objection to the Bill was that it was a trick, making a supposed National Convention at Athlone in 1793 a pretext for preventing delegation for ever."

In the discussion last Session on the Phoenix Park Riots, the allegation that there was one law for England and another for Ireland with reference to public meetings was denied; it was asserted, on the contrary, by occupants of the Treasury bench, that the law on the subject was actually the same in both countries. That was an excusable mistake, for very few hon. Members of this House were then aware of the existence of this Act. The leading journal even

was not aware of its existence; but the moment its attention was called to it, it did not hesitate to avow its concurrence with the view of Grattan—that the Irish Parliament would have done more wisely had it originally limited the duration of the Act, and that it was no longer desirable to maintain it. Am I guilty of presumption in now asking the Government and the House to give effect to their own declarations to assimilate the Irish law with reference to public meetings to that of England, and to give to Ireland the benefit of that saving principle of the Constitution—the principle of representation—which, operating through public assemblies, has enabled England, without tumult and without disorder, to repeal her own laws and reform her own Parliament? In that same Park debate the right hon. Gentleman at the head of the Government complained—and not without some show of reason—that while meetings in England were held for purposes of discussion, in Ireland the object seemed to be to produce an effect by the display of large numbers. The difference is not to be ascribed to any preference of the Irish people for tumultuous assemblages, but to this particular Act, which drove O'Connell to the expedient of monster meetings, and leaves to the Irish people now no other resource. Although asking the House to sanction the formal repeal of this Act, I am free to avow the opinion that the Irish people would be justified in treating it as obsolete and not of binding effect, and I will state the grounds of that opinion. While the Act for the disestablishment of the Irish Church was before the House, a Convention in opposition to that measure, summoned by the Primates of Ireland, the Archbishop of Armagh and the Archbishop of Dublin, of delegates chosen and elected from every parish in Ireland, sat day after day in Dublin. A letter addressed by the Most Rev. Dr. Trench to each of the clergy of the united dioceses of Dublin and Kildare violates in every line the spirit and the letter of the Act which I propose to repeal, and the writer of it, and every member of that Church Convention, rendered himself liable, on conviction, to the penalties of high misdemeanour. These gentlemen exercised—and properly exercised, as I conceive—what they deemed to be a constitutional right, and they held their

Convention with the full sanction of Her Majesty's Government. Nay, at the very time the proceedings of that Convention were being published in the Dublin newspapers, the then Attorney General for Ireland, now Mr. Justice Barry, referred in this House to the Act in question, in these terms—

“By a peculiar law of old standing in that country, and framed for a particular purpose, no persons or body could meet by delegation.”

I do not mean to censure the Government for their action on that occasion—far from it—they felt, I presume, that the Act was one which either ought not to be enforced, or could not be enforced. Well, the Act which ought not to be enforced, ought not to be upon the statute book; and the Act which cannot be enforced offends against the majesty of the law every instant that it remains unrepealed. This Act, therefore, stands already condemned by the Government, but it stands also condemned by this House. A special clause in the Church Act places this Act in abeyance, in order to enable the Protestants of Ireland to meet by delegation for the organization of their Church—that is, before an influential section of the Irish community can discharge one of the most important duties that could be committed to any body of men, a special Act of Parliament is required to remove the obstruction interposed by this Act. A stronger legislative condemnation than that it would be difficult to conceive. The Act is general in its scope, embracing all sections, all persons, and all objects; I claim, therefore, in the name of justice and of law, that the right reserved by the Church Act in favour of a section of the Irish community for a special purpose, shall be extended to the whole Irish people, for any and every purpose that is legal and constitutional. It may be said that if this Act is repealed, the Irish people will hold representative meetings for Repeal of the Union, or some form of Home Rule. Granted that they may do so; at present they can hold monster meetings for a similar purpose. The only difference that I can see between the two forms of meeting is, that while the representative principle affords a guarantee for order and regularity, the monster meeting is usually attended with excitement. But either one or the other may be prevented, if convened for an illegal purpose. The Act, moreover,

is utterly indefensible. No such Act exists in England, and if maintained, it can only be with the intent of preventing the Irish people from deliberating in an orderly and constitutional manner upon Irish affairs, and petitioning with effect the Crown or the Parliament. I hope the House will not commit the fatal blunder of elevating this infamous Act into the position of the Malakhoff of the Union—if it should do so, that Malakhoff will be captured, and no bridge of fire will save the Sebastopol behind it.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Patrick Smyth.*)

THE MARQUESS OF HARTINGTON said, he was sorry that he was unable to agree to the second reading of the Bill, and he need hardly tell the hon. Member who had charge of it and the House that no one would have more pleasure than he should if he could think that this piece of exceptional legislation with regard to Ireland could be safely repealed. The hon. Member had stated that the Act which he now sought to repeal was intended to restrain the right of public meeting, but against public meeting in that country there was no Act whatever in existence, provided it was convened for a legal purpose; the Act in question only prohibited persons who either were, or purported themselves to be, delegates from other bodies, from assembling in Convention. The hon. Member had further carefully abstained from entering into the history of this measure; but he would not imitate the hon. Member in that respect, but would at once tell the House that it was passed not by the English, but by the Irish Parliament at a time when hon. Members of the hon. Gentleman's mode of thinking believed that Ireland was most prosperous and most happy. It would be a mistake, however, were the Government to treat this Act as being altogether obsolete. Doubtless, it had been passed for reasons which he (the Marquess of Hartington) could not altogether approve, and under very different circumstances from those which now existed; but, unfortunately, it had been found necessary in recent times to put it into operation, and had not the Irish Parliament passed it, it might have been necessary for the British Parliament to have enacted some provisions of a simi-

Mr. P. J. Smyth

lar character. Thus, in the time of Mr. O'Connell, it was proposed to hold a National Convention, which was announced as furnishing a correct representation of the Irish people; and it was only by means of this Act that that Convention was prevented from being held. In still more recent times the Act had been put into operation. Thus, in 1848, the Irish Confederation announced its intention of summoning a National Council, to be elected by the various local national councils in that country, and, of course, such a Council would equally have purported to be the national representative of Ireland. The late Lord Clarendon, the then Lord Lieutenant of Ireland, believing that such an assembly would be dangerous to the public peace of the country, gave notice that it would not be permitted to meet, and that the Act would be put into force in order to prevent such a Convention being held. Any hon. Member who had read the speeches of Members of the Irish Confederation, in which they announced their ultimate views, would have little doubt that the Government of that day came to a right conclusion in thinking that the permitting of the assembling of such a National Council would not be conducive to the public peace. Those speeches plainly showed that it was the intention of the promoters of that National Council that it should purport to represent the national will and the feelings of the Irish people more completely and fully than Parliament itself, and there could be no doubt that such a Council would have been regarded by large numbers of the people of Ireland as possessing a superior weight to that of the Parliament of England. The hon. Member said that the Act had been condemned by the action of both the Government and of Parliament; but it appeared to him that, in the observations he had made on the subject, the hon. Member had answered himself. The hon. Member had said that the representative Convention of the Church Body in Ireland was an infraction of the Act, and that the Government by proposing, and Parliament by assenting, to a provision legalizing that assembly, had practically condemned the Act in question. But the Government had taken a reasonable and a proper course by asking Parliament to agree to a provision repealing the Act in a special case, which

they believed to be a reasonable and a proper one. The general question however they had now to determine was, what would be the immediate effect of repealing the Act at the present time? He was far from saying that the time might not come when this Act might be repealed; but he should not be expressing the opinions which he entertained were he to say that that time had now arrived. The hon. Member was of too practical a turn of mind to wish to repeal this Act without having some ulterior object in view; and, therefore, would not say that in the event of the Act being repealed, a Convention of the Home Rule party would be held; but was it not extremely probable that such an assembly would be held in that event? He (the Marquess of Hartington) did not know whether it would be worth while to preserve the Act merely for the purpose of preventing a Home Rule Convention being assembled; but it was impossible for the Government to shut their eyes to the fact that, although much had not been heard about it lately, and although it was dormant, the Fenian organization was not altogether extinguished. He did not know whether the hon. Member was aware, but he himself was aware, that many members—perhaps not the most prominent, but, at all events, not the least active members—of the Home Rule Association were still connected with the Fenians. [“No!”] Whether the hon. Member who cried “No,” was aware of the fact or not, he could inform him that he had not the smallest doubt that many members—perhaps not the most prominent, but not the least active members—of that Association were now or had been connected with the Fenian organization, and their object in taking up the agitation on the subject of Home Rule it was not difficult to conjecture. At the present moment Fenianism was at a very great discount. The failure of the Fenian plans had been complete, and the people of Ireland were fully aware of the hollowness of the proposals and the selfishness of the aims of those who put them forward—in fact, Fenianism might be said to be very nearly dead. But although Fenianism was dormant, it was not altogether dead, and the great object of the leaders of that organization was, that some kind of agitation should be kept up in Ireland, so that, if a more conve-

nient opportunity arose, the Fenian organization might be easily revived. The Home Rule agitation accordingly seemed to open up to the nearly extinct Fenian party the requisite means for keeping up what they called a patriotic spirit, they biding their time till a more convenient season; and he again maintained that, whether the hon. and learned Member for Limerick (Mr. Butt) was aware of the fact or not, many members of the Home Rule party did at all events belong to the Fenian organization. [Mr. BUTT: No, no!] He would repeat, in spite of the denial of the hon. and learned Member for Limerick, that if that hon. and learned Member was not aware of it he (the Marquess of Hartington) was, that many of the most active members of the Home Rule Association did at present belong, or had belonged, to the Fenian Association. If that was not the fact, let the hon. and learned Gentleman point out to the House what means were taken by the Home Rule Association to exclude Fenians from their body. Let him institute inquiries, and, if he did it honestly, he would find that the statement now made was not an exaggeration. He sincerely wished, as the whole House must wish, that every trace of exceptional legislation in Ireland could be effaced; but the best way to effect that object was not by moving for the repeal of these Acts before the time had come at which they could be repealed with safety, but by removing altogether the cause for such legislation. If the hon. Member for Westmeath and others would exercise their influence with a view to destroy all disloyal and illegal associations in Ireland, the Government would gladly propose the repeal of those Acts; but so long as they knew that treasonable associations had very recently been rife and active in Ireland, and that many men there were only waiting for the opportunity of reviving plots which a few years ago did so much to check the prosperity of Ireland, and caused so much alarm, it was impossible to repeal laws which imposed checks in the way of these associations. While he hoped the time might come when exceptional legislation would cease, it would not at present be either wise or politic to repeal those Acts. He regretted, moreover, that the discussion had come on at a time when it was not expected, and

when, therefore, hon. Members were not very well prepared to discuss it. Among other Members absent was the hon. Gentleman who had undertaken to move the rejection of the Bill (Mr. Leeman). In the absence of the hon. Gentleman, however, he should adopt his Amendment, and accordingly would move that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months." — (*The Marquess of Hartington.*)

Question proposed, "That the word 'now' stand part of the Question."

MR. BUTT said, he rose in consequence of the direct appeal made to him by the noble Marquess. He also regretted that the House was not better attended, because he should have been glad to ask a full assembly of English Gentlemen whether, in the first place, these professions of liberality towards Ireland were a reality or a sham; and, in the next place, whether it was the province of any Minister to bring against Gentlemen as honourable as himself charges that they had taken part in the Fenian conspiracy? He gave the most direct denial to the statement just made. If the noble Marquess was of opinion that "some members of the Home Rule Association are members" of the Fenian conspiracy—mark these words "are members"—[Several hon. MEMBERS: "Are or were" was the expression used.] In that case, he would like to know what was the meaning of the alternative? Would the noble Marquess retract, and say that no member of the Home Rule Association was now a member of the Fenian conspiracy? If such men were now Fenians it was the duty of the noble Marquess to prosecute them. If he forbore from prosecuting, it was the duty of the noble Marquess to be silent in that House; and he (Mr. Butt) protested against the conduct of a Minister who, upon the assertion of detectives and spies—who constituted the real Government of Ireland—brought such charges against Gentlemen who were as respectable as himself. "They were members of the Fenian conspiracy." He denied the statement; but if it were true, it would be one of the greatest

The Marquess of Hartington

triumphs of the Home Rule Association that it had won back to peaceful agitation men who had been driven by such legislation as this to pursue their objects by illegal combinations. He would take upon himself the responsibility of calling on the noble Marquess to name the members of the Home Rule Association who "are or were" members of the Fenian conspiracy. To the best of his belief the charge was without a particle of foundation. The noble Marquess asked him, individually, what steps had been taken to prevent Fenians from joining the Home Rule Association? Had he received due notice of such a question, or had he expected such a charge to be made, he would have brought over the rules of that association, which declared that the only object contemplated was to gain for Ireland, under the Sovereignty of the Queen, with a House of Lords and a House of Commons, the right of managing in Ireland exclusively Irish Business, leaving still to the Imperial Parliament the task of dealing with Imperial legislation. That was the fundamental principle of the society, and there was a declaration that it was to be accomplished by peaceful means. A Fenian who joined the Home Rule Association under such circumstances, or, indeed, any man who had any reserve, or any disloyal or revolutionary object, would betray every member of the society when he joined; and, further, he had been present at the meetings of that society and had never heard a word uttered inconsistent with these declarations; but the effect of such legislation as this was to drive many men in Ireland into illegal combinations. He did not expect on such an occasion that he should be called upon to discuss Home Rule; but members of that association believed that until Ireland obtained the right of managing Irish affairs in an Irish Parliament, they would never have peace, prosperity, or content there. He was anxious to maintain the Union, and so were those engaged in the Home Rule organization, including men of high position and large property, who were not likely to lend themselves to revolutionary projects. Their proposals might be wild and impracticable, or otherwise; but they were simply as he had said—that Ireland should have an Irish Parliament managing Irish affairs under the Sovereignty of the Queen,

with a veto given to Her Majesty upon every Irish subject; and the supreme control of the Imperial Parliament to be exercised in the last resort. He believed that the whole Irish people would make that demand at the next General Election, in such a form that every Englishman would feel it necessary for the peace and for the interest of the Empire that the demand should be granted. He had not, however, come here to discuss the question of Home Rule, nor ought it to have been raised that evening. An Act of Parliament remained on the Statute Book, which rendered it illegal for Irishmen to assemble, if they presumed to represent any portion of the Irish people; and those who took part in it would be liable to penalties. For example, an assembly of medical men sent up by the medical profession in the various counties would be illegal, and those who took part in it would be liable to penalties. The representative assembly of the Disestablished Irish Church would be illegal, if it were not expressly authorized by the recent statute; otherwise, the Archbishops of Armagh and Dublin would be liable to a prosecution for having contravened this Convention Act. The noble Marquess assigned the Fenian organization as his reason for continuing this Act. Did he think that thereby he would prevent the holding of a Fenian assembly? Would he seek to subject the members of a Home Rule Convention to penalties? He (Mr. Butt) would like to ask a number of representative men to meet together in Dublin, and determine upon a plan for an Irish Parliament to submit to this House; believing that if he did so, he should come here with an overwhelming representation of the intellect and property of Ireland. Such an assembly would, however, be illegal. He would hold it, if necessary, in defiance of all the Convention Acts upon the statute book; but if they met, it would not be under the protection of the law, or with the restraints imposed by the law, but more or less as outlaws, evading the law. Under this Act of Parliament the Corn Law League in Ireland would have been illegal, and Mr. Cobden would have been put in prison; while the advocates of Parliamentary Reform would have been put in precisely the same position. On the part of the Irish nation, he, however,

maintained that they desired Home Rule; and claimed the same liberty to express their opinions upon the subject as was now possessed by Englishmen and Scotchmen, who were under no coercive statutes, such as that which it was now sought to repeal. And, moreover, he would warn the House, that if this Act was not repealed, it would cause in Ireland an agitation such as would be likely to endanger the safety of the Empire, and the Parliament of Great Britain and Ireland would stand forth before the eyes of Europe, as a body which held and governed Ireland by an unconstitutional system of coercion. Why, if such a system existed in Naples, the indignation of the right hon. Gentleman at the head of the Government would be stirred, and eloquent and high-sounding despatches would be written upon the subject by the British Minister at Naples, if the King of Italy attempted to hold that province by putting down public meetings. All he wanted, therefore, was that Ireland should be placed under the same law with England; and if the law was violated—if Fenians chose to assemble and to agitate, the common law of the land was sufficient to prevent and punish any such proceeding. The effect of a policy such as that which the Government seemed inclined to act upon in regard to this question must inevitably result in convincing the people of Ireland that they did not stand in a position of equality under the British Constitution, and that, in order to obtain fair play, they must have a Parliament of their own sitting in Dublin; for nothing was more likely to stir up the inhabitants of Ireland who sympathized in any degree with the Fenian movement, to rebellion and acts of violence, than to throw into their face the reproach that the British Parliament was asked by the Government not to repeal an unconstitutional and coercive measure, and to prevent them from meeting to discuss the dearest interests of their own country. He asked the House to believe him, when he said that if this line of policy were persisted in, Ireland would undoubtedly become a scourge for England in days which were not very far distant. God forbid that that should be so. He had struggled long—and should continue to struggle—to prevent such a state of things coming to pass; but the Ministry which would perpetuate an

Act of Parliament like the one now under consideration was doing more than any other agency could do to bring about the *denouement* which he so strongly deprecated. He regretted very much that the noble Marquess the Chief Secretary for Ireland should have opposed this Bill, and he should regret still more to see the Prime Minister taking a similar course; because it would be impossible to inflict a greater blow upon British authority in Ireland, or to throw a greater difficulty in the way of those who, like himself, were anxious to reconcile the Irish people to the authority of the Queen, than would be inflicted by continuing these unconstitutional Acts upon the statute book.

THE ATTORNEY GENERAL FOR IRELAND (Mr. Dowse) said, he did not intend to follow his hon. and learned Friend the Member for Limerick (Mr. Butt) into a discussion upon Home Rule—a matter which deserved separate discussion, and would probably receive attention from Parliament in the course of that or some future Session. He hoped when that discussion took place the voice of the Irish people generally would be heard upon the question, for he felt convinced that, when heard, it would show that the great bulk of the people were not under the guidance of his hon. and learned Friend upon this subject. Irishmen held a variety of opinions upon most subjects, and Home Rule was a matter upon which they were by no means ignorant. He came from the Province of Ulster, which was, whatever else might be said in reference to it, the most prosperous part of Ireland, and he assured his hon. and learned Friend that the people among whom he lived in his early life, and some of whom he represented in that House, held, and would express at the proper time, very decided opinions upon the subject of Home Rule. He did not intend to import into the discussion any amount of heat, but he wished to make one observation in reference to a remark which fell from his noble Friend the Chief Secretary for Ireland. His noble Friend said that there were in the Home Rule Association—[Mr. BUTT: “Are now” were the words which the noble Marquess used]—he desired permission to finish the sentence before any correction was attempted. He understood his noble Friend to say that there were now

Mr. Butt

or had been Fenians among the members of the Home Rule Association. [Mr. BUTT: No, no!] Then, what his noble Friend said was, that at the present time there were in the Home Rule Association persons who were now or had been members of the Fenian conspiracy. He should like to know from his hon. and learned Friend how many members the Home Rule Association had? [Mr. BUTT: 700.] 700 men, to represent the property, the intellect, and the patriotism of Ireland! Certainly, their number was greater than that of the men who fell at Thermopylæ; but though it was so small—[Mr. BUTT: 70,000]—he certainly should have thought they were more like 70,000—he ventured to think that of the 700 Home Rulers, or at all events of the 70,000, there was some one who at some period of his life had some connection with the Fenian conspiracy. That was substantially all his noble Friend had said on the subject. The real question, however, before the House was, whether in the present condition of Ireland, the Government responsible for the well being of the country ought to give up any of the safeguards that the wisdom of a former age had enacted for the preservation of the country's peace? He was in hopes that the time would shortly come when this Act might be safely repealed; but he did not think—and the Government did not think, it would be safe to repeal it just now. He did not think it would be denied by anyone that a Fenian conspiracy existed in Ireland. It might be dormant, but the Irish were a very lively people, and when asleep it was not very difficult to awake them. No man in Ireland had done more to discourage violence than his hon. and learned Friend the Member for Limerick, who, judging from his speech that evening, was not so far astray as many people thought he was; and he therefore asked his hon. and learned Friend to say, whether it would be wise to give up any of the existing safeguards, in face of a society which boasted its connection with a powerful organization across the Atlantic, openly stated its opposition to the maintenance of the Throne and the British Constitution, and looked forward to nothing less than the creation of an independent Irish Republic as the only means of securing the end they had in view? His hon. and learned Friend had referred

to the Act it was now sought to repeal as a somewhat trumpety measure passed in 1793, and said it might be used to prevent certain country doctors from meeting in Dublin to discuss pathological subjects; but so far from this being a correct description of the measure, he (Mr. Dowse) found on reference to the statute, that it was enacted for the purpose, among others, of putting a stop to the holding of meetings convened for factious and seditious purposes. The Act in effect said that all assemblies assuming authority to represent the people of any province, city, town, or district, and elected for, and meeting under pretence of petitioning for or in any manner procuring an alteration of matters established by law in Church and State, should be declared an illegal assembly. It was not the right of public meeting that was aimed at; it was the principle of elections and delegates. He was at a loss therefore to understand how such an assembly of the Protestant Bishops as his hon. and learned Friend had referred to, held in order to protest against an alteration of the law as then established, and not in any shape calculated to effect a violation of the law, or the disturbance of the public peace, could be said to be an assembly convened to procure an alteration of that law. It required all the ingenuity of his hon. and learned Friend—and he (Mr. Dowse) knew how great that ingenuity was—to bring such a meeting under that Act. What that Act however was really aimed at was the assembling of a mock Parliament affecting to represent the people of Ireland, and thus setting up an opposition Business to that carried on in that House. If that were permitted, and a place for the purpose were obtained on College Green, they would doubtless see the county of Cork electing three or four different Gentlemen from those who represented it already in that House. Again, in a borough a different Member would be chosen from the Member who sat for it in that House, and it would be said, "Look on this picture, and on that—here is the real there, the sham representative." It would not be a case of—"How happy would I be with either, were t'other dear charmer away;" but the pseudo-Member would be decidedly preferred. His hon. and learned Friend himself would not be there as really representing

Limerick, but would probably be President of the body set up in competition to the British Parliament, and which would go on discussing Bills and measures, in order to show how all those things could be managed in Ireland. In the present state of Ireland, with many ill-affected men in the country, armed to the teeth, and Fenianism dormant or smouldering, he did not think it would be safe to allow a sham Parliament to meet in Dublin. They frequently had Naples and the imprisonment of Poerio and other distinguished men mentioned to them; but there was no real similarity between the case of Naples and that of Ireland, and the reference to the former could only be made in these discussions by way of rhetorical flourish. That Act inflicted no practical grievance upon Ireland, which at the present moment enjoyed as much practical liberty as England or Scotland. ["No, no!"] His hon. Friend the Member for Galway (Mr. Henry) objected to that; but he (Mr. Dowse) defied any man to show that anything but the merest sentimental grievances existed in regard to that subject; and, at all events, he contended that that House was the proper place for the ventilation of Irish questions and complaints, for that House had never turned a deaf ear to anything which Ireland had to say. The grievance was a mere ideal one, for he ventured to assert that till this Bill was brought forward there were not 10 men out of every 10,000 in Ireland aware even of the existence of such a law. It was true there was no exactly analogous statute in England; but there were various enactments in England affecting the right of meeting even more stringent than those in force in Ireland, and yet no one asked for their repeal. The people were aware that no resort would be had to these laws, except on occasions when the whole people would approve of their application. In conclusion, he must say that the Government, having honestly considered that subject, felt it to be a duty to Ireland itself and to the entire United Kingdom not to ask for any change of the law at present; and as a consequence of that, they were bound to resist the proposal made by the hon. Member for Westmeath (Mr. P. Smyth) to repeal that Act. In doing so, however, they wished to give utterance to

the sentiment that they were extremely anxious that the time might soon come when there would be no necessity to continue a statute of that description. If all Irishmen were as desirous as his hon. and learned Friend (Mr. Butt) to bring Irish questions to the touchstone of discussion and examination in that House, and abide by the result, the Government would not stand in the way of the repeal of that law; but they knew there were many men in Ireland who would not be offended if he called them the advanced thinkers of Irish politics, and who would not be satisfied with anything short of the separation of the two kingdoms. Being anxious, therefore, to allow Ireland time to heal the wounds inflicted on her in past times, and to encourage her people to come to the right tribunal for the consideration and redress of their grievances—the Imperial Parliament, the Government could not at present consent to part with what they deemed to be one of the safeguards of peace and order in that country.

MR. O'REILLY said, that *prima facie*, the case for the repeal of the Act was irresistible, for Ireland was an integral part of the United Kingdom, and it ought to be governed by the same laws as England and Scotland. A case therefore must be made out for enacting or maintaining such exceptional legislation as that, which, in his opinion, would render illegal the meetings of any representative body of men—say, for instance, the medical authorities from the different Irish counties, if they assembled to petition for a change of the law affecting medical relief. The right hon. and learned Gentleman the Attorney General for Ireland had said that no practical grievances had ever been felt under the statute; but under that very Act the committee to obtain the redress of Roman Catholic grievances had been dissolved. That fact overruled the assertion of the right hon. and learned Gentleman. The Attorney General had also thought that an attempt would be made to return Irish Representatives to compete with those now sitting in that House; but was he afraid of the hon. and learned Member for Limerick (Mr. Butt) and his 700 adherents of Home Rule? If the friends of Home Rule were as weak as was alleged, surely, it would be wise to let the true touchstone be applied which would

The Attorney General for Ireland

test that weakness? The argument of the noble Lord the Chief Secretary for Ireland was based on the assumption that if this Act were repealed the order and stability of the Empire would be endangered. It was because he (Mr. O'Reilly) believed that its repeal and the consequent enlarged freedom which Ireland would enjoy would tend to produce loyalty and contentment, that he advocated its repeal. The same fallacy pervaded the arguments of the noble Lord as had pervaded those of the right hon. and learned Gentleman the Attorney General for Ireland, when the noble Lord referred to the agitation that existed under O'Connell's direction, when that hon. Gentleman entertained the idea of assembling a National Council in Ireland in opposition to the Parliament of Westminster, whose decisions and decrees were to be looked upon as equal to or possessing greater weight than those of the Imperial Parliament; but if the question had been brought to such a test, the public would have seen a practical difference between the power and authority of a merely voluntary and irregularly elected body, and the power and weight of the Imperial body. Such an assembly would, no doubt, have had great weight in appealing to the Imperial Parliament; but the attempt to bring its decrees in contrast with Acts of Parliament would have simply shown its inefficiency. Penal legislation in reference to the expression of public opinion had never succeeded in any country in the world; but, on the contrary, it had conferred a fictitious value and a supposititious strength on the power against which it was directed. It did not prevent the meeting of Fenian delegates, because conspirators were not deterred by such Acts; but they used them in their appeal to the people as instances of how unjustly they were treated by the Government. The Imperial Government need not dread the Fenian organization; and he should like to see this legislation swept away, in order that the real feeling of the people might be tested. In conclusion, he must protest against the expression which the noble Marquess had used, when he said that unless a very different state of things were to occur in Ireland hon. Members would appeal in vain to an English Parliament to repeal such Acts. Now, if the Parliament of this country were a purely

English Parliament, he should not be sitting in it; but it was because it was an Imperial Parliament that he sat in it, and it was to an Imperial Parliament he therefore appealed.

MR. BAGWELL said, that if he had had any doubt before coming down to the House as to the vote he should give, the speech of the noble Lord the Chief Secretary for Ireland would have dispelled it. That noble Lord had fairly told the House that this was an Act of the Irish Parliament, but passed under different circumstances to those in which they now lived, and, instead of basing his opposition on that, he had introduced the subject of Fenianism and Home Rule. He need not remind the House that he (Mr. Bagwell) had never been connected with Fenianism or mixed up with Home Rule. He differed entirely with the hon. and learned Member for Limerick (Mr. Butt), and he had no hesitation in stating his belief that Home Rule would lead to the utter destruction not only of Ireland, but of the whole country. It would be a simple act of the dismemberment of the Empire—such an act as was contemplated when the Southern States attempted to separate from the United States, and which led to the unfortunate war which took place between them. England, however, would imitate the conduct of the United States, and would no doubt spend her last shilling and fire her last shot before she permitted the dismemberment of the Empire by the separation of Ireland. The right hon. and learned Gentleman the Attorney General for Ireland had spoken of that country as being armed to the teeth; but every Irish magistrate well knew it was really not so, in consequence of the stringent working of the various Arms Acts that had been passed; and when a landlord was shot—which was the only thing that was done—he was shot with some such wretched gun that the man who fired the shot ran as much risk of losing his life as the person did who was fired at. The right hon. and learned Gentleman, therefore, could not have got the information upon which he founded his remark from the police of Ireland. If this Act were so harmless as it had been represented, why keep it on the statute book? But the fact was, that he had noticed over and over again, that what was proposed by independent Irish Members on the Government side of the

House was opposed by the Government; and, if, after a time, it was proposed by Irish Members on the other side, it was immediately adopted by the Government. He did not think that was a proper course for the Government to adopt, and he, for one would always deprecate it. Were the Government not strong enough to keep down insurrection, or any meetings calculated to lead to riot, when they had a strong law, with an enormous army of superior police to carry out that law? With all these powers, he maintained that it was unworthy of the Government to continue obsolete Acts, passed in former times, and under circumstances different from the present.

MR. PIM, in supporting the second reading of the Bill, said, the continuance of the Act was an exceptional restriction on liberty in Ireland, and, indeed, was no remedy for the evils referred to, for Fenianism worked in the dark, and would not be affected by an Act against open meetings. Therefore, while it was inoperative as respected Fenianism, the Act strengthened the antipathies of the people, and was therefore injurious. But even if a mock Parliament were to meet in Dublin, he did not suppose the Government would think it judicious to enforce this Act; it was more probable they would regard it as a dead letter, as they had done in the case of the Party Processions Act. He thought, therefore, the repeal of the Act was desirable, for there was greater danger in the maintenance of exceptional restrictions than in repealing them.

COLONEL WILSON-PATTEN said, he felt bound to support the noble Lord the Chief Secretary for Ireland. In doing so, however, he must give expression to the hope and the belief that at no distant period the laws between the two countries would be equal. Before he could consent to the repeal of the present exceptional legislation for Ireland, he must have an assurance from the Executive Government that the country was in such a state as to justify that repeal. It would have afforded him great pleasure to hear that the Fenian movement was no longer in existence, instead of being still dormant, and ready to wake into new life on the first opportunity that might occur, for the House must not forget what it had been obliged to do in order to put down that movement—namely, to suspend the Constitution.

He fully believed what had been stated by his noble Friend, that the Fenian movement existed still, though only in a dormant condition, and every Irish Member in the House was, no doubt, of the same belief. With regard to the Act now under consideration, it was worthy of remark that not one hon. Member who had spoken that night had pointed out a single instance in which the Act had been brought into play inconsistently with the perfect liberty of Irishmen as well as Englishmen; and while he should be sorry to see the Government draw the string too tight, and apply this law on a slight transgression of its strict letter, he thought they were justified in maintaining the law, so that they might be enabled to assure themselves that Ireland was now not only in a tranquil state, but that it would continue to remain so for some time to come. There was a disposition in that House to do strict justice to Ireland, and the determination prevailed on both sides to remedy existing defects in that country. Several measures were already before the House for the purpose, and he believed it was not too much to say that within a few years the Government would be enabled to recommend the House to sweep away all that exceptional legislation, and to govern Ireland and England by the same laws.

MR. SERJEANT SHERLOCK said, that when the hon. Member for Westmeath (Mr. P. Smyth) introduced his Bill on this subject last year, the general opinion of the English Press was in favour of the abolition of the Act. Had the Act done any good—had it prevented sedition, treason, or rebellion, its continuation on the statute book might be justified. He might, however, remind the House of the fact, that the Act was passed during the Irish Parliament, and at a time of great political excitement, in 1793. Its object was to prevent meetings for political purposes; but what was the result? Treason and sedition still continued; men who would have been known to the Government had they assembled openly, met privately and plotted against the Government, and five years afterwards, when the delegates met in private, a majority of them were arrested in Dublin. That was the commencement of the Rebellion in 1798. The objects of those men were treasonable, and the men themselves might have

been seized and tried, and the rebellion nipped in the bud, instead of leading to loss of life and property. They were told that the Act was again put into operation in 1848; but it did not prevent another rebellion then, though, no doubt, it was a rebellion of very contemptible proportions. The Act, therefore, had not been operative or beneficial in preventing meetings for illegal purposes. If people met openly for illegal purposes, the common law was quite sufficient for dealing with them; but if they met in a legal and constitutional manner, they were entitled to do so in England and Scotland, and they ought to be entitled to do so in Ireland also. In no sense of the word could the continuance of the Act give greater security to the Crown, or prevent sedition if people were disposed to be seditious. He was prepared to support the present Bill on principles totally irrespective of Home Rule, because he believed that the Act the repeal of which was sought for was a piece of exceptional legislation, which, while it offended and annoyed, did not serve any useful purpose. If the Government were wise, instead of adopting the Amendment which had been moved, they would repeal a statute which could do no good and which served but to irritate and excite.

MR. GLADSTONE: Sir, I am glad to observe that this debate has been conducted with moderation; and I am desirous of expressing the lively satisfaction with which I listened to many of the most important propositions contained in the speech of my hon. and learned Friend the Member for Limerick (Mr. Butt). I think it is matter of public importance that the declarations which he has made should have been made at this early period after his reappearance in the House; and that they should go forth as a portion of the debates of this House to the hearing and knowledge of the people of Ireland, because undoubtedly there have been exaggerations—there has been doubt, there has even, perhaps, been either apprehension or irritation on the subject of the views entertained by my hon. and learned Friend and others in Ireland, which, whether we agree or disagree with him, unquestionably the declarations he has made, perfectly explicit as they are, must tend very materially to allay and to remove. My hon. and

Colonel Wilson-Patten

learned Friend is not satisfied, as Irish reformers or popular leaders have been in former times, by desiring to maintain as the sole link of connection between the two countries the authority of the Crown. My hon. and learned Friend is evidently aware to what risk the authority would be exposed, if upon the Crown alone the whole strain of its continuance were to be devolved. My hon. and learned Friend desires to maintain as explicitly as any one among us the supreme authority of Parliament. What he seeks for Ireland is the management of local affairs, and as Parliament is the supreme and last resort, it follows that with Parliament must rest the definition of the important question as to what affairs are local affairs. That is essentially involved in the declarations which my hon. and learned Friend has made. No doubt he has assumed that that definition would be liberally and fairly made, but he knows very well that you cannot have two supreme authorities in a country; and as in the great American Civil War it was the Federal Government and the Federal Legislature which found it necessary to take into its own hands the circumscription of the liberties of the States, and the solution of the controversy which had formerly been raised on that subject; so it is quite plain that if there is to be an Assembly in Ireland such as he desires, and an Assembly in England also, one of those must be paramount, and the one which has the power of defining and of drawing the line between the provinces of the two will be possessed of paramount authority. My hon. and learned Friend told us explicitly his view of the relations that should exist between the two.

MR. BUTT: I should be very sorry to be misunderstood on this question. I do not suggest that the Imperial Parliament should have power from time to time of defining what the power of the Irish Assembly should be. I propose that that definition should be made once and for ever. Exactly as in the American Constitution, the separate Provinces of the State Legislatures and of the Federal Union were defined once and for ever.

MR. GLADSTONE: My hon. and learned Friend does not mend the matter at all by that, for that is just what the American Constitution failed to define; that is precisely the point that is left in

doubt, and dispute, and difficulty, and which no man could solve—the point, namely, as to the division of authority between the Federal Legislature and the Legislatures of the States. That was the subject of controversy between American statesmen for two generations, and it was the solution of that question which was the great cause of the American War. My hon. and learned Friend does not mend his argument in the least when he says he would have federal arrangements made once for all. How is there to be a federal arrangement between this Parliament, which is Imperial and supreme to all intents and purposes, and any other body whatever within the area of the United Kingdom? But I will not endeavour to develop my hon. and learned Friend's thoughts further than he developed them himself; but unquestionably he said—and I am sure he said it in good faith—that the Imperial Parliament was to be supreme in the last resort. Those were his words, and with those words I will leave that part of the question. Then he expressed—as warmly as any of us could express—his desire that the Irish people should be induced and habituated to look to the two Houses of Parliament for the redress of Irish grievances, and he told us also the mode in which he wished to deal on the part of his Home Rule Association with Fenianism in Ireland. He evidently regards his Home Rule Association as the means of reclaiming from Fenianism those who unfortunately have been dragged into it. If he has to deal with Fenians they are converted Fenians, and I have no doubt he will labour assiduously in their conversion. I commend the subject of his American illustration to his further meditations, and I am sure he will find I am perfectly right when I say it is idle to suppose you can have existing in a country two separate Legislatures co-ordinate in power. There must lie somewhere in the last resort an appeal to that supreme authority which in case of necessity holds in its hands the solution of every problem that may arise. No doubt it is the virtue of a truly free country to multiply subaltern authorities, and subaltern authorities not with powers granted in a narrow spirit of egotism, but making local government and local institutions strong to the utmost point of the strength which they can develop, and finding in that strength

of local authorities and in that development of local government the surest source of strength for the Central Government. That is the spirit in which the supreme authority of the Imperial authority would always be exercised. Now I come to a point on which I differ greatly from my hon. and learned Friend and from some of those who followed him, and that is their statement of the operation of the Act, the repeal of which is now in question. That is a very simple matter. I may quote the authority of my hon. and learned Friend himself, who says the Act is intended to prevent the people from meeting together legitimately and legally, and that has been the burden and strain of several of the speeches which we have heard to-night. Those who listened to my right hon. and learned Friend the Attorney General for Ireland could not fail to observe that the Act from beginning to end makes no reference to public meetings—it nowhere interferes with them—it does not touch them at all. The nearest approach to it is a declaration to the contrary effect in the 4th section, where it says that nothing in the Act contained shall be construed to prevent or impede the undoubted right of all the subjects of the Realm to petition for the redress of any public or private grievance, and as the right to petition and the right of public meeting are inseparably connected together, it is not too much to say that the right of public meeting is recognized by this very Act. At any rate, let it be understood that we are not debating a question which has any relation to the right of public meeting. One hon. Gentleman said this Act aimed at repressing the expression of opinion; but that is not so. What it aims at is the assumption of authority. The constitution of representative assemblies may be a matter of very small political consequence. I fully admit that; and that when an Act of this kind is passed you may know it is extended to the extreme of its theoretical meaning, and the extension of it applies to organizations which are perfectly harmless. It is not changes in the law which this Act seems to contemplate, but alterations of matters established by law in Church and State. Well, is it really true that political liberty under all circumstances requires that the law should permit of the constitution of these

representative assemblies by voluntary delegation? It is plain that assemblies so constituted assume the appearance of rival Legislatures. That is what they aim at; and I think it is too much to state that freedom cannot prevail except where it is possible for individuals to associate themselves by the methods of representation and in the very manner prescribed by the constitution of the Legislature of the country. My hon. and learned Friend says that if there were such a law as this in Naples, we should have the British Minister protesting against it; but, Sir, I am not aware that any British Minister or writer ever made a protest upon such a subject. I believe if he had done so he would have exposed himself to merited ridicule and the interests of this country to serious detriment. Such subjects, however, are entirely beyond our province. The real strength of the case is this—that you have no such law in England, and you say—“If you mean to have equal laws for England and Ireland repeal the law in Ireland.” Well, Sir, England is a country where, happily, not only the laws which belong to freedom, but the habits and usages and traditions of freedom, combined with order, are more firmly established than in any other great country in the world, and under these circumstances England can bear laws which, perhaps, it requires more consideration and deliberation to apply to other countries. I do not say that that of itself is a reason why this should be applied to Ireland; but let us see if there is anything open to just exception in the course taken by my noble Friend the Chief Secretary for Ireland. He expressed a hope that the time would soon come when this law could be repealed: is there anything unreasonable in saying that the time has not yet arrived? We are told that we ought to have the same laws in England and Ireland. I rather doubt whether that is a formula which ought to be adopted as entirely secure from danger. That we ought to have laws conceived in the same spirit for England and Ireland is not a formula at all, but a broad and deep principle of policy, and one which leaves you free to take into view the history and exigencies of the country. But when you say there should be the same laws, you almost seem to assent that you will have no regard to those

Mr. Gladstone

difficulties, but that in a spirit of political pedantry, or with an unworthy regard for popularity, you will literally transfer to one country whatever you find in the other. What have we done in this Parliament? We have not made the same laws for England and Ireland. We have abolished the Established Church of Ireland; we have not abolished the Established Church in England. [*Cheers.*] Hon. Gentlemen opposite appear to think that I have communicated to them a piece of intelligence of which they were formerly not in full possession. After the Church Act we proceeded to make a Land Law for Ireland. We have no such Land Law for England. I will repeat that the laws for the two countries should be conceived in the same spirit; but it is decidedly unnecessary that they should bear the same shape, and I quote these two great statutes to show that Parliament has not hesitated to give to Ireland laws more popular and liberal than laws which prevail in England. That is an application of the principle of which I speak. With regard to this particular Act, I believe it is too much to say that there is no law in England of the same tendency, and standing on the same basis. But, assuming that this law of Ireland does contain what is not in the law of England, is that unreasonable? Have we been able during the last 25 years, with regard to questions bearing upon public order, to apply the principle of identical legislation? Look back 20 years to the stormy period of Lord Clarendon's rule, when it was found necessary by the Government of the country to apply this law. It has been argued that the law failed because there was a rebellion in 1848; but my hon. and learned Friend (Mr. Serjeant Sherlock) might as well argue that the laws against murder had failed because of the murder in Park Lane. It may be true that there was a rebellion in 1848, and also that this law materially diminished the proportions of the rebellion. Not very long afterwards the Fenian conspiracy was hatched, and from the year 1861 onwards, when the American War gave it additional scope, it assumed proportions of public danger. With that danger the strength of the country easily dealt; but it proved itself to be a reality to our fellow-subjects in Canada. My hon. and learned Friend says we do not want an Act of this description to deal with the

Fenian representative body; nor do we, if it would avow Fenianism in all its public proceedings. But the argument is, that a representative body of this kind may be used as a cover under which treasonable proceedings may be concealed. I rejoice that we have in my hon. and learned Friend and his coadjutors and allies assistants as earnest as ourselves in the disposition to oppose this mischievous delusion. Let us consider the course which this House has found it necessary to take. In 1866 it was obliged to suspend the law of Habeas Corpus, and in 1868 to extend the suspension, and since then we have been obliged to pass a Peace Preservation Act, which is still in force, and which deals with matters appertaining to political liberty in a manner which is not recognized in England. Therefore, do not let us hug ourselves with impressions that do not correspond with reality. We must admit, with deep regret, that we have not reached the time when we could safely and prudently venture to apply the entire identity of political legislation to Ireland which I believe every man in this House desires. I think it has been shown in the first place, that the question is not one of the expression of public opinion, or the right of the people to meet; and, in the second place, that that assumption of authority, which is an essential property and characteristic of these *quasi*-representative assemblies, although it may be safe in certain States of highly advanced civilization, is not to be too hastily and universally assumed to be applicable to every country in the world. These are grounds which I hope will be well understood, and which I believe to be entirely consistent with the absolute demands of duty on the part of the Government in the interests of peace and security, as well as with the firmest adherence to the principle of desiring to remove at the earliest moment possible every provision from the statute book which can suggest to the minds of the Irish people the idea of political inferiority.

SIR JOHN GRAY, as an advocate of Home Rule, was pleased to recognize in the speech of the Prime Minister the broad principle on which its advocates based their demand, and would at once admit that this law was wanted in the first instance to meet the revolutionary tendencies of a great part of the Irish

people; but that, he contended, was not the purpose to which it had since been applied. He wished, in the next place, briefly to refer to the remarks which had fallen from a former Chief Secretary for Ireland (Colonel Wilson-Patten), who asked for an instance in which the Act which it was now sought to repeal had ever been used for the purpose of suppressing the free expression of opinion. He would inform the right hon. Gentleman that it had been so used in 1812 in the case of the prosecution of Thomas Kirwan for attending a meeting held for the purpose of petitioning Parliament for the repeal of the laws affecting Roman Catholics, Lord Fingall, who was certainly no revolutionist, being in the chair. A resolution was on that occasion moved to the effect that every man had a right to worship God according to his conscience, and that it was wrong for any Government to inflict penalties on him for the exercise of that right. The Attorney General of the day, in commenting on the resolution, spoke of it as an attempt to impress on the minds of the Roman Catholics of Ireland that they were suffering from pains and penalties under the law, and under those circumstances it was that Thomas Kirwan had been found guilty. [Colonel Wilson-Patten observed that what he had said was, that the Act had not been put in force for several years past.] But it might be put in force at any time, and he should like to know whether such a law ought to be allowed any longer to remain on the statute book?

Colonel Wilson-Patten thought that that case had happened so long since as to be almost out of date.

Sir Dominic Corrigan said, the present was not the first time that, looking on a question from an impartial point of view, he had come to the conclusion that both sides in the discussion were in the wrong. He had tried to discover, not which was the better, but which was the less worse of the two. On the one side, he saw no opportunity at present of redressing those grievances; and on the other, he felt, from the manner in which the question was regarded, that there was no man in that House but would vote for what was good for Ireland and good for the United Kingdom. He had, however, a reason for voting for the Motion of the hon. Member for Westmeath (Mr. P. Smyth)—

Sir John Gray

though the grievance involved was not one of a practical, but a sentimental character—which had not been yet stated. It was that he was anxious to take away from the Home Rule Association their greatest grievance, for there was nothing on which people in Ireland throve as on grievances. He was greatly pleased at the tone in which the subject had been discussed on both sides of the House, and if any danger should arise, as was suggested, from the repeal of the Act, there need be no hesitation in coming to Parliament and asking for its re-enactment. It was said that this was a sentimental grievance; but the same argument would have equally applied against repealing the Ecclesiastical Titles Act. If the Act which it was now proposed to repeal had done no harm and could do no harm to Ireland, let the Government boldly propose a similar measure for England, so as, at all events, to give both countries equal laws. If it was said that there was disaffection in Ireland there was none in England, he would ask hon. Members who dwelt upon the existence of Fenianism in the former country whether they had never heard of Republicanism in the latter? He believed the proposal now made to be inopportune; but if a division were taken, he must vote for his hon. Friend the Member for Westmeath.

Mr. Maguire said, that the Motion was a challenge to the House to do away with a law affecting Ireland which did not exist in England, and he thought that a fair proposal. He desired to proclaim his connection with the Home Rule organization, and to protest against the unfairness of any sweeping taunt of disloyalty, come from whom it might, being cast against men who were as loyal as any who sat on the Treasury Bench. They were not Fenians—they were not disloyal men; but the demand for Home Rule was one that they would make, and, with God's help, would in time make successfully. Their efforts might form the subject of the Attorney General's jesting; but if the right hon. Gentleman was kept off the Bench for a few years there was every chance that he would shortly change his tone. That the feeling of Ireland was getting stronger and stronger upon this point the continued exclusion of the second Irish Law Officer of the Crown from Parliament was sufficient to prove. When the time was ripe

for the discussion of that question they would meet face to face any man on the Treasury Bench, however eminent. The challenge, however, he had now thrown down was neither unjust nor inopportune. The Irish people were not, as the hon. Gentleman the Member for Dublin appeared to think, mere grievance mongers. [Sir DOMINIC CORBIGNAN: I never said anything of the kind.] That, at all events, was the impression which his hon. Friend's speech had left upon his mind. All that they asked now was that a hardship not inflicted upon the one country should be removed from the other, and he could not help thinking that it betrayed a sort of moral cowardice in England to refuse to accede to a claim which was just in itself, and which might be granted without even the slightest shadow of danger.

Question put.

The House *divided*:—Ayes 27; Noes 145: Majority 118.

Words *added*.

Main Question, as amended, put, and *agreed to*.

Bill *put off* for six months.

PIER AND HARBOUR ORDERS CONFIRMATION BILL.

Considered in Committee.

(In the Committee.)

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to confirm certain Provisional Orders made by the Board of Trade under "The General Pier and Harbour Act, 1861," relating to Cruden, Dundrum, Gill, Gosport, Herne Bay, Llanfairfechan, Skerries, and Withernsea.

Resolution *reported*:—Bill *ordered* to be brought in by Mr. ARTHUR PEEL and Mr. CHESTER FORTESCUE.

Bill *presented*, and read the first time. [Bill 142.]

GAS AND WATER ORDERS CONFIRMATION (NO. 2) BILL.

On Motion of Mr. ARTHUR PEEL, Bill to confirm certain Provisional Orders made by the Board of Trade under "The Gas and Waterworks Facilities Act, 1870," relating to Cleator Moor Gas, Ossett Gas, Ruthin Gas, Swinton and Mexborough Gas, Kettering Water, and Margate Water, *ordered* to be brought in by Mr. ARTHUR PEEL and Mr. CHESTER FORTESCUE.

Bill *presented*, and read the first time. [Bill 141.]

ULSTER TENANT RIGHT BILL.

On Motion of Mr. BUTT, Bill to legalise the Ulster custom of Tenant Right in holdings not agricultural or pastoral in their character, *ordered*

to be brought in by Mr. BUTT, Mr. CALLAN, and Mr. PATRICK SMYTH.

Bill *presented*, and read the first time. [Bill 144.]

METROPOLITAN COMMONS SUPPLEMENTAL BILL.

On Motion of Mr. WINTERBOTHAM, Bill to confirm a Scheme under "The Metropolitan Commons Act, 1866," relating to Hackney Fields, *ordered* to be brought in by Mr. WINTERBOTHAM and Mr. Secretary BAUX.

Bill *presented*, and read the first time. [Bill 143.]

House adjourned at One o'clock

HOUSE OF LORDS,

Friday, 3rd May, 1872.

MINUTES.]—PUBLIC BILLS—*Second Reading*—Pacific Islanders Protection (90); Epping Forest (82).
Committee—Church Seats (59-97).
Third Reading—Alteration of Boundaries of Dioceses * (84), and *passed*.

TREATY OF WASHINGTON. TRIBUNAL OF ARBITRATION (GENEVA). THE INDIRECT CLAIMS. CORRESPONDENCE.

Further correspondence with the Government of Canada in connexion with the appointment of the joint High Commission and the Treaty of Washington (in continuation of papers presented April 1872): *Presented* (by command), and ordered to lie on the Table.

CHURCH SEATS BILL—(No. 59.) (The Earl Nelson.)

COMMITTEE.

House in Committee (according to Order).

Clause 1 (Short Title).

Clause 2 (Promoters of new churches may declare that seats shall be free and unappropriated).

THE DUKE OF MARLBOROUGH said, he objected to this clause altogether. It might become necessary for the maintenance of the church that a scale of pew rents should be appointed; but if this clause stood part of the Bill there would be a perpetual prohibition of any pew rents. He therefore moved that the clause be omitted, and that the following be inserted in its stead:—

"It shall be lawful for the Ecclesiastical Commissioners, in the exercise and fulfilment of the powers and duties conferred or imposed upon them by the Acts administered by them or any or either of the same Acts, to accept a church site under a grant or conveyance in which it is declared that the pews or seats in the church erected or to be erected on the same site, or some specified portion of the same pews or seats, shall not for the space of thirty years be let for any payment of money, and thereupon it shall be unlawful to let the same pews or seats, or portion of the same, for payment of money during the aforesaid period: Provided always, that at any time during or subsequent to the expiration in any case of the aforesaid period of thirty years, if the bishop of the diocese in which such church is situate shall see fit, a scale of pew rents may be appointed in the same church, by and under the authority of an instrument executed by the said Commissioners with the concurrence of the patron of the church."

THE ARCHBISHOP OF YORK said, he would support the Amendment of the noble Duke. He objected to the erection of any churches in which the churchwardens would not be able to exercise the power they now had by the law of the land of seating the worshippers in seemly order.

EARL NELSON would point out to the most rev. Primate that the 5th clause of this Bill expressly reserved power to the churchwardens or other authorized persons of regulating the temporary occupation of church seats, so as that due order and decorum may be observed during the time of Divine worship. The latter part of the noble Duke's clause would utterly defeat the object of the Bill, which would entirely fall to the ground if that Proviso were carried.

THE BISHOP OF CARLISLE asked their Lordships how the Bill would operate if a wealthy man were building and endowing a church, laying it down as a condition that the seats should not be appropriated as now by the churchwardens. Any alteration in the law would require careful consideration; but if properly guarded it was a privilege which a number of persons throughout the country anxiously desired, and with the concession of which they should be gratified.

THE MARQUESS OF SALISBURY said, that if their Lordships should create a perpetuity it might cause great inconvenience, and perhaps lead to the scandal of resorting to a special Act of Parliament to set aside the will of some generous benefactor of the Church.

The Duke of Marlborough

THE BISHOP OF GLOUCESTER AND BRISTOL begged their Lordships to observe that while the Amendment of the noble Duke provided that no money should pass, it did not bind the churchwardens to appropriate seats as they presently did.

THE BISHOP OF WINCHESTER thought it was not desirable that the whole area of a church should be open to be scrambled for by the congregation. He said so in the interest of the poor, for no persons were so modest in the way of not taking good seats as the poor. It was, therefore, advisable to keep them from being continually thrust out by the accidental presence of richer and better dressed people. If there was no appropriation of seats poor men and their families would go to the worst part of the church or out of it altogether.

After some further discussion,

EARL NELSON said, he would accept the first portion of the noble Duke's Amendment down to the word "period," but omitting the words "for the space of 30 years." But he could not consent to adopt that part of the Amendment commencing with the words "Provided always."

Original clause *withdrawn*.

After some discussion, the words "for the space of 30 years" were struck out of the first paragraph of the Amendment; which was then *agreed to*. The second paragraph, containing the Proviso, was *withdrawn*, and the following words substituted:—

"Provided always, that if at any time the bishop of the diocese in which the said church is situate shall see fit, a scale of pew rents may be appropriated in the same church for a portion of the sittings, not exceeding one half, by and under the authority of an instrument executed by the said Commissioners with the concurrence of the patron of the said church."

Clause, as amended, *agreed to*.

Clause 3 (Free and unappropriated seats to be no impediment to acceptance of sites or consecration of churches) *struck out*.

Clause 4 (Church seats free and unappropriated for three years to so remain).

EARL GREY moved to leave out the clause, and insert—

"In churches in which seats have been let or appropriated, the churchwardens shall be entitled

to direct that such seats shall be given to persons unprovided with places if they should remain unoccupied when the officiating clergyman begins to read the service."

Amendment amended and agreed to.

Clause 5 (Saving rights of ordinary and churchwardens to keep order).

The Report of the Amendments to be received on *Monday* next; and Bills to be printed, as amended. (No. 97.)

REMOVAL OF NAVAL COLLEGE, PORTSMOUTH.—QUESTION.—OBSERVATIONS.

THE EARL OF LAUDERDALE said, he was about to put a Question which was one of considerable importance to naval officers and had direct reference to the efficiency of the Navy generally. It was, whether in the Navy they were to have a high-class scientific and philosophical education at the expense of personal experience? Now, he had a great idea of the importance of imparting a high-class and scientific education to our naval officers; but he did not hesitate to say that if it could only be given at the expense of a practical knowledge of seamanship he would have nothing to do with it. High-class education of that kind never yet made an officer or a sailor; nor would it ever prevent a ship from going on shore. It was commonly said that the status of education among naval officers was low; but he begged to dispute that assertion. They came into the Navy very young, and from his experience as Superintendent of the College of Portsmouth for five years he could say that not more than one boy out of eight who came into the Navy from the large schools could pass in the common examinations of reading, writing, and arithmetic if they went up direct. None of them could pass without a "cram." But it frequently occurred in the case of young men who had served in the Navy for a few years and then left it, that they were next heard of as taking high honours at the University. He did not know how that was done; but he thought it, too, must be done by cramming. He had never known an instance of a high-class University man becoming a naval officer; but he had known many instances of young men who, after having entered the Navy, took high-class honours at the University and attained to the most exalted positions in the Church and the State,

and even becoming Members of their Lordships' House. He might point to his noble and learned Friend on the front bench as an example.

LORD CHELMSFORD: I am sure my noble and gallant Friend will forgive me for interrupting him to say that I went into the Navy before examinations were instituted. I underwent no examination.

THE EARL OF LAUDERDALE: However that might be, his noble and learned Friend was an example of a man who had attained a high position in the State after having been in the Navy. The Naval College at Portsmouth was an extremely useful institution if it was desirable that naval officers should have an opportunity of keeping up and improving their professional knowledge. The Government, it was understood, were about to remove the College for the education of Naval Officers from Portsmouth, where it had been established for very many years, and which might be called the very centre of the Navy, to Greenwich, which was now totally unconnected with the Navy; and he wanted very much to know the reasons which had induced the Government to form that determination. One of those reasons was said to be that at Portsmouth there was no school of naval architecture; but there had been, although it had been removed. In Portsmouth could be seen everything connected with the Navy; they might see the drawings of ships as sent down from the Admiralty—ships in mould—the first plate of their bottom laid—ships launched, rigged, manned, armed, and made ready for sea. Instruction could be got in gunnery; he could witness the manœuvring of ships, taking them in and out of harbour in bad weather; he might see a squadron getting under weigh, and taking up position; he might observe the foreign men-of-war that visited the port—in short, he might obtain practical insight into every point that a naval officer ought to be acquainted with. At Greenwich all these opportunities would be taken away. It was, as he had said, totally unconnected with the Navy. There had been dockyards there—one on either side—but the Government had sold them, one of them being converted into an immense slaughterhouse for foreign cattle. He thought the removal of the College from Portsmouth

to Greenwich would be highly detrimental to the efficiency of naval officers. He therefore wished to ask the noble Earl opposite (the Earl of Camperdown), Upon what grounds the Government have or intend to remove the College for the instruction of naval officers from Portsmouth (where they have every opportunity of improving and keeping up their professional knowledge) to Greenwich, where they will be entirely separated from the Navy?

THE DUKE OF SOMERSET said, he wished to put another Question in connection with the same subject, so that the noble Earl (the Earl of Camperdown) might answer both at the same time. There were three systems of education in the Navy which, so far as he understood, were now to be interfered with. One was for the education of the naval cadets. He believed that was to be materially altered. That system of education was carried on at Dartmouth, and it would be very undesirable to bring it into a large town such as either Greenwich or Portsmouth. Young lads should not be exposed to contamination in large towns; they had, therefore, been placed in a port where their education was going on with much satisfaction; but that, it appeared, was to be altered. Greenwich was so close to London as to be almost part of it. The next Question was, what was to be done with the School of Naval Architecture which had been established at Kensington—the object of which was to admit shipwrights from the dockyards, and to enable young men to be instructed for the general shipbuilding service of the country. When removed to Greenwich would it be open to the private trade as well as to the Royal Navy? The third Question had reference to the officers who were at present studying at Portsmouth. They had now the great advantage not only of studying under scientific professors, but of seeing the practical application of their studies in the dockyard. He did not mean to say that the removal of the College to Greenwich might not be justified on some grounds; but he wanted to know the scheme of Her Majesty's Government with regard to these three departments of naval education.

LORD DUNSANY said, he was not surprised that the Government, finding themselves in possession of a large unoccupied palace, conceived the idea of

The Earl of Lauderdale

applying it to naval purposes, and determined to establish a Naval College. But if it were a mere question of economy, he very much doubted whether it would not, after all, be less expensive to enlarge the present building in Portsmouth Dockyard than to adapt Greenwich Hospital to the purposes of a Naval College. Greenwich was too near London to be a suitable place for the College. True it was also near the Admiralty; but that was, perhaps, the greatest of all objections to it. The Admiralty was fast becoming a Department of the House of Commons, and he could not imagine a greater misfortune for the country than that it should have a House of Commons navy out of which the true naval element should have been almost obliterated. It was exceedingly important, when they were constantly building new ships, that fresh experience of them should be obtained by the officers of the Navy, and it was by being on the spot and going out on trial trips that they could ascertain how these monsters were to be handled. Another new department of naval science had recently sprung up—he alluded to the torpedo department; and young men being educated for the Navy would have no good opportunity of gaining practical knowledge in that department, or in seeing how the present large guns were put on board of the ships. As for Greenwich Hospital, it did not follow that if it were not made use of for purposes connected with the Navy, it might not be devoted to some other national purpose.

THE EARL OF CAMPERDOWN said, that the apprehension felt by the noble Earl (the Earl of Lauderdale) as to the removal of the Naval College to Greenwich, must have been caused by his non-acquaintance with the details of the proposed arrangement, and with the extent to which it was proposed to move the College to Greenwich; and he trusted that the explanation he had to give would have the effect of diminishing some of the noble Earl's objections to the change. During the last 20 years two views as to the proper method of naval instruction had undergone much discussion. One view was that it was absolutely necessary that a naval officer should throughout his career remain in connection with his profession, and be as much as possible surrounded by his brother officers. On the other hand, it was contended that

the general education to be obtained during the period when an officer was not employed was not of less value than the advantage to be gained by his being surrounded during his whole career by naval officers and naval associations. The career of education might be conveniently divided into three periods. The first was that when the cadet, having passed the examination for entering the Navy, was obliged to prepare for active duty. The second period was when having attained the rank of acting sub-lieutenant, he was obliged to prepare himself again for examination in gunnery and navigation; and the third period embraced the remainder of his career, and included his going to College and obtaining the instruction provided by the authorities. The question as to the best means and best place for the education of naval cadets had been considered by the Admiralty for a long time, and although he was not in a position to state what measures would be adopted, he might state that one measure which would not be adopted would be sending the cadets to Greenwich. The second portion of a naval officer's education was also a period of compulsory education; because it was not possible that a young naval officer out with the Fleet at sea could come home prepared to pass his examinations without further instruction, and in this part of the education the practical course of study of gunnery would not in any way be interfered with. Those of their Lordships who had been brought up to a naval career would admit that the *Excellent* constituted the finest school of gunnery in the world, and no persons were less disposed than the present Board of Admiralty to interfere with the practical course of that instruction. The number of the pupils now studying at the College was, on the average, from 25 to 30 young sub-lieutenants, four or five lieutenants studying for commissions in the Royal Marine Artillery, from five to eight lieutenants preparing themselves for gunnery lieutenants, two commanders, and two captains. The Staff connected with the College, though not numerous, had been most active in promoting the education of the young men and officers; but he was perfectly willing to allow that at the present time the provision for the higher education of naval officers was not sufficient, considering the importance

of the Navy to England; and without new instruction and additional lectures the desired result could not be properly attained. The noble Earl said that it would be easy to increase the accommodation in the College. However, as the College was situated in a corner of the Dockyard, there would be great difficulty in increasing the accommodation to any extent, and at present it was insufficient for the purpose for which it was wanted. He would not deny that Portsmouth had considerable advantages over other sites for a Naval College, in affording a facility for officers to witness the sea trials of new ships, and in having the Dockyard close at hand; but he did not think that any attendance in the Dockyard was absolutely enjoined. With regard to obtaining the attendance of superior Professors, Greenwich would possess considerable advantages over Portsmouth; and if the expectations of the Government were fulfilled, it was probable that a larger number of officers of various classes would attend the College than had hitherto been the case. Even granting that they were cut off from association with Portsmouth—which would not be entirely the case, because by far the greater number of sub-lieutenants would have to go to Portsmouth to go through their course in the *Excellent*—the number of persons associated together could not be said to be removed from the influence of their profession. If at Greenwich they would not have the advantage of a dockyard, they would, at all events, have the great advantage of being near Shoeburyness. Officers, therefore, educating at Greenwich would have the advantage of seeing the trials of heavy gunnery—an advantage not obtainable at Greenwich or elsewhere. It was urged in opposition to fixing upon Greenwich as the site of a Naval College that it was too near London, and that the allurements of the metropolis would be too much for the younger naval officers. There was, however, the security that the younger naval officers would be under the necessity of attending lectures; while, in the next place, it had been found by experience that at Woolwich, which was almost equally near London, the officers who went there to be educated were not unwilling to avail themselves of the advantages which had been offered to them. Even granting

the justice of all that had been said by the noble Earl on that point, would he, he would ask, undertake to say that there were none of those allurements at Portsmouth to which he objected in the case of Greenwich? He had spoken hitherto only of the executive officers of the Navy; but there was a most important class of officers who were being educated in our Dockyards, and very few of whom had an opportunity of obtaining any higher education, whom it was essential that we should have educated in the most effective manner. He alluded to the engineer officers. As matters at present stood, after open competition at the Dockyards, and after passing a few years there, about eight annually out of about 40 were sent to South Kensington for a period of three years. The probability was that, instead of a small number of those officers being sent to South Kensington in future, they would all in some form or other have the advantage of a higher education at the Naval College at Greenwich. As regarded the School of Naval Architecture, the students were educated at the Dockyards in very much the same manner as the engineers, and only two of the most promising, selected by examination, were sent up to South Kensington. For those persons also it was proposed to provide in the new Naval College at Greenwich. The naval models at South Kensington, which were of the highest interest and value, had been referred to, and that collection it was intended to remove to Greenwich. In that way, by the concentration of officers, lectures, and models, that improvement might be obtained which he thought it was most desirable in the interest of the service should, if possible, be effected. It had been asked whether it was proposed to proceed in the same manner as hitherto with respect to the architects in private trades? He had no doubt the First Lord of the Admiralty would seriously consider the proposal which had been made to him by the committee which had been charged with preparing the new arrangements for the College at Greenwich. He did not, he might add, think it improbable that his right hon. Friend (Mr. Goschen) would accede to the proposition that the same advantages should be held out to those in private trades as to others. The whole subject, he might add, had been most seriously canvassed, both in the

The Earl of Camperdown

naval Press and by the country generally, for the last two years, and it could not, he thought, be denied that on the whole there was a growing opinion that Greenwich was the most eligible site for the establishment of a new Naval College. He wished to repeat that there was no desire on the part of the Admiralty to substitute theoretical for practical education in the Navy. The First Lord of the Admiralty was fully alive to the necessity of promoting in the highest degree the qualities of seamanship and physical superiority among the officers of the service, and he could assure the noble Earl that in any arrangement which might be made the continuance of the connection of a sailor with the sea and with the active duties of his profession would be duly looked after and provided for.

THE EARL OF LAUDERDALE reminded the noble Earl that the trials at Shoeburyness to which he had referred were simply the trials of new guns; while at Portsmouth an officer would have the opportunity of seeing the actual practice from the forts, as well as of going out to sea in ships which carried large guns. As to the enlargement of the College at Portsmouth, it was a matter about which there was no difficulty. It might be carried out for a less sum than that which would have to be expended at Greenwich. It had been stated that the general opinion was, that Greenwich was the best place for a naval University. He could only say that he had spoken to a great many naval officers with respect to it, and that he had not heard one of them express an opinion that Greenwich was a better site than Portsmouth.

THE EARL OF CAMPERDOWN repeated that it was not intended in any way to interfere with the practical education of naval officers. He would, however, add, that in the statement which he had made he had perhaps gone further in some respects than he ought to have done, inasmuch as the subject was still under the consideration of the First Lord of the Admiralty. He believed, at the same time, that all that he had stated would be found to be perfectly correct.

EXTRADITION OF CRIMINALS.

ADDRESS FOR RETURNS.

THE EARL OF ROSEBURY, in moving that an humble Address be presented to Her Majesty for, Returns stating the number and nature of all Treaties or Conventions at present in force with Foreign States for the Extradition of Criminals, said, that public attention had been directed to this subject by the circumstances connected with the arrest of Marguerite Dixblanc in Paris for a murder committed in this country. But, as it seemed to him, hardly a crumb of information was supplied with regard to these treaties. In 1870 the then Attorney General (Sir Robert Collier) brought forward an Extradition Bill, and in the course of his speech stated that while France had 53 Extradition Treaties and the United States nearly as many, this country had only three. Now, so far as he (the Earl of Rosebery) could gather, at the time the Attorney General spoke England had in fact four Treaties of Extradition with foreign Powers—one with Russia made in 1842, one with France in 1842, one with Denmark in 1862, and one with Prussia in 1864. It was quite possible that as their continuance depended on the will of the high contracting parties, some of these might have ceased to be operative; but, at any rate, it was important that information should be supplied as to which of them still remained in force. During the two years which had elapsed since the Extradition Bill was introduced, a new Attorney General had come into office, but the country had obtained a very small increase of information. Their Lordships might possibly be aware that in the course of some recent proceedings in the Court of Queen's Bench arising out of the protracted trial that had recently absorbed so much of the public attention the Attorney General said we had not a Treaty of Extradition with America. Mr. Justice Blackburn, apparently overcome with astonishment, said—"Not with America!" The Attorney General replied—"No; but negotiations are going on, and I hope there will soon be one." Mr. Justice Blackburn asked, whether the time had expired? and the Attorney General said he was not sure, but that a proposal was pending to extend the time. But the Act of Parliament founded on the Treaty with America provided that

the treaty should continue in force till one or the other of the signatories gave notice to the contrary. There was no limitation of time, therefore, in the treaty, and the period of its continuance could not be "extended." When such vague statements were made in quarters which they would assume to be well-informed, their Lordships were justified in turning from these doctors who disagreed and in applying to the Foreign Office for information. There could be no object in keeping those treaties secret. Indeed, the events of the last two years had made secret treaties rather out of fashion. The publication of Extradition Treaties must surely be useful and necessary. A forger, for example, if he found that he would leave these shores only to be brought back in handcuffs, would perhaps hesitate before committing such a crime. The knowledge that treaties of this kind existed must have a repressive effect on some crimes, like forgery, which were committed with premeditation. On inquiry it might be found that more Extradition Treaties existed than the Attorney General supposed, and that they had a Treaty with America, for if not they might as well give up the system of Extradition Treaties altogether. He trusted that the Government would grant the modest request he now made for information on a subject than which few were more important, and certainly none were more obscure.

Moved that an humble Address be presented to Her Majesty for, Returns stating the number and nature of all treaties or conventions at present in force with foreign states for the extradition of criminals.—(The Earl of Rosebery.)

EARL GRANVILLE said, he must express his satisfaction that the subject had been brought forward by the noble Earl—first, because his noble Friend had, as yet, but seldom availed himself of his opportunities for adding to the sufficient, though few, proofs he had already given of his power to take a most important part in their Lordships' discussions; and, secondly, because Her Majesty's Government were willing to afford all the information in their power upon a subject which, at the present time, occupied so much of the public attention. Not knowing that his noble Friend would refer to the Attorney General, he had not been able to communicate with him, and could not,

therefore, say what his hon. and learned Friend had stated to the Court of Queen's Bench in reference to these treaties, or whether he had been correctly reported. He (Earl Granville) must, therefore, confine himself to giving the information asked for. Three Extradition Treaties were now in existence—one with France, one with the United States, and one with Denmark. That with the United States comprised charges of murder, attempts to murder, piracy, arson, robbery, forgery, and frauds by means of forged documents. The treaties with France and Denmark comprised murder, attempts to murder, forgery, and fraudulent bankruptcy. There was also a Treaty of Extradition with China; but it was of a different character from those existing with the countries he had just mentioned. The principle on which the three treaties to which he referred rested was that any demand for the surrender of a person accused of crime should be made through the diplomatic agents of the country requiring it, and that the surrender should only be made after the commission of the crime had been so established as that the laws of the country to which the fugitive had escaped would justify his apprehension and commitment for trial if the crime had been there committed. In the case of Denmark there was an exception as to the surrender of natives of Denmark. No such provision existed in the treaties with the United States or with France. As to the former, neither the Americans nor ourselves could hesitate about giving up natives, for the identity of language would make it difficult, if not impracticable, to enforce such a provision. As to the French, the case had never arisen. The belief was that France would be opposed to the surrender of natives—the universal principle adopted on the Continent of Europe being that a native subject of any State could not be surrendered by the State. Besides these treaties, powers of surrendering criminals were exercised between some of our colonies and neighbouring territories; but these were not treaties; they were separate legislative enactments. With regard to Prussia, an Extradition Treaty was concluded in 1864, and in 1852 one was made with France; but in neither case did the Government succeed in obtaining the sanction of Parliament, and therefore the treaties remained inopera-

Earl Granville

tive. Two years ago a difficulty arose with France, as to certifying the depositions taken, but by subsequent legislation that difficulty was removed. His noble Friend (the Earl of Rosebery) was correct in stating that no time was limited in the treaty with the United States, that treaty being terminable at any time by six months' notice from either of the two signatories. A treaty with Germany was now almost on the point of being signed; but delay had arisen entirely through the difficulty which English lawyers and foreign jurists experienced in defining the crimes to which the treaty applied; but he hoped that no long time would elapse before those difficulties were overcome. All these treaties were terminable at six months' notice. He had no doubt that other countries would follow the good example which had been set with regard to those treaties, the value of which his noble Friend had not, in the slightest degree, overrated.

Motion agreed to.

PACIFIC ISLANDERS PROTECTION

BILL—(No. 90.)

(*The Earl of Kimberley.*)

SECOND READING.

Order of the Day for the Second Reading read.

THE EARL OF KIMBERLEY, in moving that the Bill be now read the second time, said, that those of their Lordships who had read the Papers which had been presented to Parliament on this subject would agree with him in opinion that legislation had been made imperatively necessary by the circumstances which had arisen in late years. The great extension of communication with the South Sea Islands and their rapid colonization by Europeans had brought about a state of things which did not exist a few years ago. At present there was a great desire that those colonies which were suited to the growth of tropical products should be supplied with labour other than that of Whites, and Polynesian labourers were in great demand for that purpose. This immigration of Polynesian labourers was confined principally to the colony of Queensland and the settlements in the Fiji Islands. The immigration to Queensland had been placed under strict regu-

lations by the law of the colony, which provided on the whole in an effective manner for the protection of the labourers who had arrived in the colony. Some doubt had been expressed on that point; but as far as he had been able to learn from various sources, and especially from his noble Friend the Marquess of Normanby, who had lately gone out as Governor, there existed a real desire on the part of the Colonial Legislature to make efficacious provision for the protection of the labourers, and if further legislation should be required no indisposition would be found to pass more effectual and stringent laws. But, of course, the Legislature of Queensland could make regulations only with regard to the labourers who had come to the colony and the vessels which arrived within their ports and came under their own jurisdiction. But a system had grown up of late by which vessels belonging—he was afraid to a great extent—to the subjects of Her Majesty went to the South Sea Islands, decoyed the natives on board, or frequently carried them on board by force, and conveyed them to the settlement in the Fiji Islands, over which the Queensland Legislature had no control whatever, and where no sufficient regulations for the protection of these poor men existed. He would not weary their Lordships with an account of the atrocities committed in the course of this traffic. The masters of vessels who had engaged to procure a certain number of labourers were not likely to be exceedingly scrupulous as to the manner in which those labourers might be obtained: and if their Lordships could conceive how extremely numerous were the persons engaged in this business, how varied their influence, and how many opportunities they had of evading any regulations which Her Majesty's cruisers might attempt to enforce, they would feel no surprise that very great evils had grown up. He could not help referring here to what he might term the crowning atrocity of the murder of Bishop Patteson. He called it "the crowning atrocity," not because he laid such great blame upon the islanders, though they had been guilty of an inhuman and cruel act, by which they had themselves sustained the greatest loss, as on that system of kidnapping which had led to the loss of a valued friend—for the late Bishop had been a

valued friend of his—and he could affectionately testify to the value of his services in the sphere to which he was called. Nothing could have been more melancholy. Here was a man who had devoted his whole life to the spread of Christianity and civilization, and to the improvement in every way of the natives of these islands. We had the strongest testimony that the Bishop was universally loved and regarded by the natives with the utmost veneration, and such was the influence which he had acquired over them that whatever he did or recommended was received with implicit trust. When a feeling of trust of that kind was once established in the minds of these uncivilized people, the revulsion was all the greater when they supposed that their trust had been misplaced. The reason why the natives believed that their confidence had been misplaced was this: These atrocious kidnappers actually made use of signals and disguises to induce the natives to think that the Bishop was about to visit them and to make them come on shipboard: but the result of the stratagem was that when they came on board they were seized and carried off to the Fiji Islands: So that when the vessel with the Bishop on board arrived, the natives, under the miserable and melancholy misapprehension that the Bishop was in reality an enemy, took their miserable revenge and took the life of their best friend. The guilt, therefore, rested not so much upon the natives as upon those treacherous traffickers who had brought about such a state of mind in these unhappy people. And here he must say that he regretted what was stated to have been done when the cruiser *Rosario* visited these Islands. It was necessary that the natives should be made to feel that a civilized country was strong enough to avenge any atrocity committed on its subjects. But the House would agree with him that a power of this kind should be very cautiously and sparingly used, and he was quite sure that those who had read almost the last words of Bishop Patteson himself would especially lament the steps which he was informed had been taken to avenge the murder. He was quite certain that the commander of the *Rosario* acted in the belief that he was only performing his duty, and he was not, therefore, disposed to cast too great blame upon him. Those who were

employed at a distance from home, and who had to act often under circumstances of great difficulty, had a heavy responsibility to bear, and we should always be exceedingly careful in finding fault with them: but he was bound to say that in his opinion, if what was stated was correct, the commander of the *Rosario* had in this matter misapprehended his duty, and in his desire to do what he believed necessary for the protection of the lives of Her Majesty's subjects, and from no spirit of cruelty, had proceeded to measures which might leave an impression upon the minds of the natives which it was most undesirable should be produced. The Bill now before their Lordships would, he hoped, give such power to the cruisers sent to those seas as would to a considerable extent put a stop to kidnapping. At the same time, so vast was the number of these Islands, so large the region over which they extended from east to west, and so great the difficulty of detection, that even with the most active measures and the most efficient laws it would be exceedingly hard to extirpate the practice. The clauses of the Bill had been most carefully framed with a view to the necessary powers, and it was proposed to punish kidnappers in the same manner as under the Slave Trade Acts. With the co-operation of the Australian Colonies, and from the feeling expressed there, we had every reason to expect much good would be done. While the Colonial Government and Legislature would feel that a responsibility rested upon us to do whatever might be necessary, they might be fairly called upon to assist us by their laws and by enforcing the regulations which might be required. There were two or three points in which the Bill might be improved. In the passage of the measure through the other House it was pointed out that it would be very desirable that all those engaged in carrying labourers from those Islands should be licensed to do so under bond, so that no vessels not duly authorized should be allowed to take any part in the traffic. Such a provision would give much greater control over the whole system; and though it was not thought desirable to delay the Bill in the other House until a clause to give effect to that suggestion had been framed, he was happy to say he had been able to draw up a clause to carry out that object. As

The Earl of Kimberley

to the establishment of a Vice Admiralty Court in the Fiji Islands, that involved a question of great difficulty, which, he thought, ought not to be dealt with in this Bill. The establishment of such a Court might involve the assumption of jurisdiction over these Islands. He thought that after this Bill had passed we should be able by communication with the settlers in these Islands to establish a satisfactory and stringent system of punishment for these offenders, and he feared it would prejudice the opportunity of making such arrangements if our proposals were anticipated by statute. Her Majesty's Government had this most important subject at heart, and he sincerely trusted that the measures they were prepared to take would have the effect they desired.

Moved, "That the Bill be now read 2^a."
—(*The Earl of Kimberley.*)

THE BISHOP OF LICHFIELD expressed his thanks to Her Majesty's Government for having introduced this measure—and he might be allowed to state that he had considerable knowledge of the subject, because the miserable traffic it was sought to put down commenced under his own observation in 1848. He regarded the Bill as a useful instalment of means for preventing the continuance of this enormous and disgraceful evil. No doubt there might be some difficulty in carrying out a system of repression; especially as the natives, numbering about 1,000,000, were scattered over 500 islands; but he believed a few examples would be very effective in checking the traffic. The only just principle upon which labourers could be engaged for labour in these Islands was that of fair and well understood contracts between the white and coloured men. He thought a system similar to that adopted on the West Coast of Africa might be successful in stopping unlawful traffic. With regard to the unhappy occurrence to which the noble Earl had alluded, and as to which Papers had yet to be laid on the Table, he (the Bishop of Lichfield) visited the island 14 years ago, and, it being the most friendly in the group, it was deemed a convenient stepping-stone to some of the larger and more difficult islands. Bishop Patteson was accordingly accustomed to visit it; and he felt persuaded that his death was the result

of some act of aggression by others—whether kidnapping or slaughter. The island was no larger in area than the site of the Houses of Parliament, and there being no shelter upon it the islanders could not possibly have defended themselves against a boat's crew. Why the *Rosario* went there he could not understand; but on a boat's crew proceeding up a narrow channel, the natives, no doubt thinking their purpose a hostile one, shot at them, and killed one of the crew, whose lives were thus unnecessarily risked. The reprisals thereupon taken were, he supposed, intended for a retaliation of that act; but this was not the way in which the dignity of the Empire or the majesty of the law should be vindicated. Such acts led the natives to regard us, though professing to be Christians, as more barbarous than themselves, and he would express a hope, as the late lamented Bishop had done, that if a missionary lost his life by violence neither the British nor any other Government would carry out any measures of revenge. Missionaries went on their own responsibility, and desired to leave persons guilty of violence towards them to the judgment of God alone.

Motion agreed to; Bill read 2^a accordingly, and committed to a Committee of the Whole House on *Tuesday* next.

EPHING FOREST BILL—(No. 82.)

(*The Duke of St. Albans.*)

SECOND READING.

Order of the Day for the Second Reading read.

THE DUKE OF ST. ALBANS, in moving that the Bill be now read the second time, said, that the Bill was originally introduced in the other House, but, owing to the pressure of Business and a rule that no Opposed Business should be taken after half-past 12 o'clock, had been transferred to this House. By an Act of last Session Commissioners were appointed to prepare a scheme for the preservation of Epping Forest, and to inquire into forest lands unlawfully inclosed. It was objected during the progress of the measure that private rights were not sufficiently guarded by it; but this was owing to the absence of the notices requisite in the case of Private Bills, and an undertaking was given that

the subject should be dealt with this year. The Bill was a redemption of that pledge, and though in form a Public, it was rather a Private one. The Select Committee to which he hoped it would be referred would have power not only over its clauses, but over its principle, and would be able to hear all parties concerned. The Metropolitan Board of Works had undertaken to carry out the projected scheme, and the Government had no interest in the matter, except that the question should be fully considered and all parties heard. It was unnecessary, therefore, for him to offer any opinion on the claims of the persons holding land in the Forest.

Moved, "That the Bill be now read 2^a."
—(*The Duke of St. Albans.*)

THE MARQUESS OF SALISBURY said, he was rather disappointed with the noble Duke's statement, for the undertaking on which he had waived his opposition to the second reading, and which accounted for the thin state of the House, was that the character of the Bill should be entirely altered. At present it was most violent and unconstitutional, for it proposed to refer the disputes between the Crown, a number of landowners, and the Corporation of London now pending in courts of law and equity to arbitrators, consisting of three laymen and a lawyer who had never sat on the Bench. There was to be no appeal from their decision. Now, of late years similar powers had been given to arbitrators, but always to men of high position and experience—indeed, he believed exclusively to ex-Chancellors. He had felt it his duty to resist such a proposal as worse even than the recent proposition of the noble and learned Lord on the Woolsack to refer the appeals of this House to barristers of 10 years' standing. It was, moreover, unexampled to refer suits of the Crown to persons appointed by the Crown and subject to dismissal by it at any moment. The undertaking given him was on the understanding that the Bill should simply suspend all these suits and actions until the Commissioners had reported and Parliament could deal more fully with the subject, and it was on this ground only that he had not persevered in the opposition he originally offered to the Bill. He hoped the Government would adhere to the arrangement for striking out all the other powers.

THE EARL OF KIMBERLEY disclaimed any intention of departing from the understanding alluded to by the noble Marquess. After being read the second time, it was intended that the Bill should follow the usual course of a Private Bill and should be referred to a Select Committee, and that it should be confined to suspensory clauses, pending an opportunity on the part of Parliament to deal definitely with the question.

LORD REDESDALE maintained that the Bill in its present shape should never have been introduced. Time would be saved and, perhaps, opposition removed by its withdrawal and its introduction in the shape it was intended to retain, and in that shape submitted to the Committee.

THE EARL OF KIMBERLEY remarked that all the notices involved in the Bill in its present shape had been issued. The Government were willing to meet the objections which had been taken, and the second reading would not hinder its taking the form now agreed on by all parties. To withdraw it would involve delay, and great hardship and inconvenience would result if no Bill was passed.

THE MARQUESS OF SALISBURY said, he was quite satisfied with the pledge given by the noble Earl, but would suggest, as more convenient, that the Bill should be committed *pro forma* and referred to the Select Committee in the shape agreed upon.

LORD REDESDALE said, he did not object to this suggestion, but thought that as the same objections were taken in the other House, the Government might have remodelled the Bill before introducing it here.

THE EARL OF KIMBERLEY agreed to adopt the suggestion of the noble Marquess, and that the Bill should be committed *pro forma* and reprinted.

Motion agreed to; Bill read 2^d accordingly, and committed to a Committee of the Whole House on *Tuesday* next.

WHITSUNTIDE RECESS.

THE MARQUESS OF SALISBURY inquired when the noble Earl proposed the House should adjourn for the holidays, and for how long?

EARL GRANVILLE said, he proposed that the House should adjourn on the 13th till the 31st instant.

House adjourned at Eight o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, 3rd May, 1872.

MINUTES.]—SUPPLY—considered in Committee—Committee—R.F.

WAYS AND MEANS—considered in Committee—Consolidated Fund (£8,000,000).

PUBLIC BILLS—Ordered—First Reading—Tramways Provisional Orders Confirmation (No. 2)* [147]; Tramways Provisional Orders Confirmation (No. 3)* [148].

Committee—Charitable Trustees Incorporation (re-comm.)* [127]—R.F.

Committee—Report—Infant Life Protection (re-comm.)* [108-146].

Considered as amended—Gas and Water Orders Confirmation* [125].

Considered as amended—Third Reading—Reformatory and Industrial Schools (No. 2)* [134], and passed.

TREATY OF WASHINGTON.

TRIBUNAL OF ARBITRATION (GENEVA).

THE INDIRECT CLAIMS.

CORRESPONDENCE.

Copy presented,—of Further Correspondence with the Government of Canada [by Command]; to lie upon the Table.

INDIA—PUBLIC DOCUMENTS AND PAPERS.—QUESTION.

MR. DICKINSON asked the Under Secretary of State for India, Whether the Secretary of State for India in Council will provide the Library of the House of Commons with Copies of the printed Budget Estimates prepared by the Governor General of India in Council, and printed Copies of all Acts and Regulations passed by the various Indian Governments since and including the official year 1870, and of all existing Rules regulating the appointment, salaries, pensions, and furlough of officers employed in the various branches of the Public Service in India or in England; and also periodically, when and as the same are received from India, or as soon after as practicable, Copies of all such printed Budget Estimates, Acts, Regulations, Rules, Reports, and other printed public documents, not of a secret or confidential nature, as may, in the opinion of the Secretary of State for India, be necessary to enable Members of Parliament to understand the administration of the Government of India?

MR. GRANT DUFF: Sir, we shall do with much pleasure what my hon. Friend proposes.

POST OFFICE (IRELAND)—IRISH POST-MASTERS.—QUESTION.

MR. G. BROWNE asked the Postmaster General, Whether, having regard to the great amount of business transacted in the Post Offices throughout Ireland, he will consent to take into consideration the claims of the Postmasters for an increase of salary?

MR. MONSELL said, in reply, that the salaries of all postmasters in the United Kingdom were regulated according to the extent of the amount of business transacted in their offices, and precisely the same standard was applied to Irish as to English and Scotch postmasters. Salaries were being continually readjusted. Whenever a post office became vacant the salary of the postmaster was either raised or reduced, according to the amount of business transacted. Existing postmasters were at perfect liberty to make applications for an increase of salary on account of an increased business, and whenever they did so their demands were carefully considered.

EDUCATION—ENDOWED SCHOOLS COMMISSION.—QUESTION.

SIR LAWRENCE PALK asked the Vice President of the Council, If it is the intention of the Government to renew the Endowed Schools Commission as it is now constituted?

MR. W. E. FORSTER, in reply, said, that according to the Endowed Schools Act, the Endowed Schools Commission would last till the end of this year, power having been given to the Government to renew it for a year longer. It would then be for the House to consider what steps should be taken. Her Majesty's Government intended to renew the Commission for one year under the power given to them by the Act.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

THE WELLINGTON MONUMENT.

MOTION FOR PAPERS. OBSERVATIONS.

MR. GOLDSMID, in rising to call attention to the prolonged delay in the
VOL. CCXI. [THIRD SERIES.]

completion of the Wellington Monument, and to move for Papers, said, he would preface his remarks by reminding the House that the late Duke of Wellington died in 1852, and that in 1856 it was resolved by Parliament to erect a monument to his memory. It was decided that the design for the monument should be obtained by an open competition. A number of artists were thereupon invited to submit models, one of the principal conditions being that the cost should not exceed £20,000, and 83 artists complied with the invitation and sent in designs. Several distinguished Gentlemen, including the present First Lord of the Treasury, Lord Lansdowne, the then Dean of St. Paul's, Sir Edward Cust, Lord Overstone, and Mr. Cockerell, were asked to act as judges, and they decided that Mr. Calder Marshall was deserving of the first premium, whereas only the sixth place was accorded to the design of Mr. Stevens. It was to be regretted, however, that these Gentlemen did not recommend the Government to adopt any one model, but advised them to ask the opinion of distinguished artists, and then decide who should be employed to make a model and erect the monument in honour of the Duke's memory. Nothing further was done till the year 1858, when the noble Lord opposite (Lord John Manners) was First Commissioner of Works. The noble Lord asked Mr. Penrose his opinion as to which was the best model, and Mr. Penrose took a fancy for that of Mr. Stevens. He (Mr. Goldsmid) wished to say nothing to discredit Mr. Penrose, but he doubted whether his judgment was as good as that of the Gentlemen whose names he had just mentioned, and who had decided that Mr. Calder Marshall's design, and several others, were better than that of Mr. Stevens. Acting on the advice of Mr. Penrose the noble Lord, however, appointed Mr. Stevens to execute the monument, one condition being that he was to prepare a model to be erected in St. Paul's, at a cost of £1,600 for the first 12 months, and a proportionate sum for such further time, if any, as was found necessary for its completion. This condition obviously showed that, in the opinion of the noble Lord, the work would probably be executed within 12 months from the day on which the order was given, or in any case very shortly after that time. In

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point of fact, however, the work was scarcely begun by the end of 1859—18 months after the order was given—and Mr. Stevens was called to account on several occasions by the First Commissioner of Works. It was always difficult to elicit a reply from that gentleman, but in December, 1860, he stated his willingness to complete his model for £1,200 in addition to the £1,600 already paid to him. That sum was allowed him; but it did not appear to expedite matters, as in December, 1862, the correspondence was still going on between Mr. Stevens and the First Commissioner of Works, and, *mirabile dictu*, it was not till 1867 that the then First Commissioner was allowed to see the model which ought to have been completed eight years before. The cause of the delay was this—In the first place, Mr. Stevens, although that *arbiter elegantiarum* the Member for Whitehaven (Mr. Cavendish Bentinck) thought he was the most able sculptor in the country, was a man of such undetermined character that he could never make up his mind to go on with his work, and constantly fell ill when he had to apply himself to the sculptural portion of it. In the second place, when Mr. Stevens had work in hand he did all the common labourer's work himself, instead of employing labourers to do it, and the result was an enormous waste of time. In March, 1866, Lord Granville stated, in answer to a Question from the Earl of Cadogan, that the model was to be completed in August of that year. They had seen that it was not so completed. Next, in 1867, Lord John Manners, then First Commissioner, stated, in answer to himself (Mr. Goldsmid) that he had every reason to hope that the monument would be completed in about two years from that time. In 1868, he asked a further Question, and was informed by the noble Lord that he could hardly expect all the figures to be in their places before the end of 1869; but he hoped that by that time great progress would have been made. In 1870 Lord Lansdowne said it was expected "that the works would be completed within a year." And in 1871 he (Mr. Goldsmid) was informed that the Chancellor of the Exchequer had great hopes that in a very short time—say, in a year or two—the monument would be completed. Still the delay continued, until the present First Commissioner, finding

Mr. Goldsmid

it useless to leave the work any longer in the hands of Mr. Stevens, determined upon entrusting it to some other sculptor. This was a wise and sensible decision, but the Treasury overruled the judgment of the First Commissioner, and the Chancellor of the Exchequer entered into a contract with Mr. Collmann, an upholsterer of Grosvenor Street, to complete the monument within two years, as though it were a piece of paper-hanging or the furnishing of a dining-room. Captain Douglas Galton and Mr. Hunt were employed to report upon the progress of the work, and their report was somewhat remarkable, in that it showed that practically nearly the whole of the work remained to be done. They reported that the merely architectural portion of the design was approaching completion, but that the purely sculptor's work was practically "not commenced." That being so, no one could surely be considered impatient who said that, after a lapse of 14 years, the result arrived at was far from satisfactory. What seemed to him (Mr. Goldsmid) to be particularly requisite was, that the work should have a more strict supervision, and how that was to be attained under the extraordinary contract into which the Chancellor of the Exchequer had entered, any more than under successive Commissioners, he failed to see. His (Mr. Goldsmid's) fears on this point were borne out by Mr. Lowe's reply, given on the 25th of March this year—namely—

"If Mr. Stevens's health is good, I have every reason to believe that the monument will be completed within the contract time."—[3 *Hansard*, ccx. 592.]

Though, at the same time, he stated that some delay had taken place in consequence of Mr. Stevens being unwell. So the old condition of things was beginning again. So much for the history of the memorial; now, on another question. The very form of the monument did not seem to have been definitely settled at present, for originally it had been proposed to surmount the edifice with an equestrian statue of the Duke; but the then Dean of St. Paul's, not unnaturally, objected to a design which would "represent his Grace riding into the Cathedral on the top of his own monument." Last year, in company with his hon. Friend the Member for Plymouth (Mr. Morrison), he visited

the studio of Mr. Stevens, who, being informed that the question was to be brought before Parliament, told him, in a most friendly manner, that he had nearly completed the marble work for the architectural portion of the monument, but he had not completed even the preliminary models of the groups which were to adorn the work. He then agreed with his hon. Friend that if these groups were to be completed as a good sculptor would complete them, there yet remained at least two or three years of work to be done; and, consequently, that the monument could not be finished for a long period, because the castings would have to be done subsequently. Now, this view was probably correct, as that morning he went to the Cathedral, and saw that, while the architectural portion of the design had been nearly completed, the only sign of the castings was a bit of one of the *plaques* which was to form part of the side of the sarcophagus. On the whole, therefore, if Mr. Stevens made no greater progress than heretofore, he thought the monument might, perhaps, be finished some time at the end of this or the beginning of the next century, when the people would practically have forgotten, in the memory of subsequent great deeds, the accomplishments of the Duke of Wellington. Again, as far as he could judge from the design, the base of the monument would be alone visible near at hand, the summit from the opposite side of the Cathedral, and the whole structure from no single point of view. This was a decided objection to the size of the monument, and would greatly mar any effect it might possibly have produced. Under all the circumstances, he thought himself fairly entitled to ask at the hands of the Government an explanation of what was intended to be done, for he considered it a farce to decide upon the erection of a monument to a great man when the whole arrangement could be muddled in this manner. He believed that Mr. Collmann, the upholsterer, would have no chance of inducing Mr. Stevens to complete his contract, any more than the various Commissioners of Works had been able to do so. He begged, as a formal way of bringing this subject forward, to move for any correspondence that might exist upon this matter, and, in so doing, he might add that, in his belief, the country would be gratified at

learning that there was any prospect of the work being terminated, as there was considerable national discredit attaching to us throughout.

MR. MORRISON, in rising to second the Motion, said, he could not but express his regret that the Executive should have betrayed so much weakness in this matter. He also regretted that the matter could not be brought forward last year, when they might have been able to consider the expediency of completing the contract with Mr. Collman, for he believed with his hon. Friend that Mr. Collman would no more succeed in inducing Mr. Stevens to fulfil his contract than others had been able to do so; and, instead of entering into this arrangement, it would, in his opinion, have been better if application had been made in the ordinary way to the Law Courts. The Duke of Wellington died in 1852, and in 1856 there was a competition, in which the judges selected the design of Mr. Marshall. The noble Lord opposite, however, the then First Commissioner of Works (Lord John Manners), assigned the work to Mr. Stevens, who undertook to complete the monument for £14,000, of which £1,600 was to be advanced for the preparations of models. Mr. Penrose was appointed superintendent, and no money was to be advanced to Mr. Stevens beyond the stipulated £1,600, except upon the certificate of Mr. Penrose that the work was progressing satisfactorily. The Board of Works appeared not to have taken any further step till the end of 1860, when they received a communication from Mr. Stevens offering to complete the model for £1,200 beyond the £1,600 he had already received. That offer was acceded to, and nothing further occurred till 1861, when two letters sent by the Board of Works to Mr. Stevens remained unanswered. In February, 1862, the Board of Works again wrote, pressing for a reply, and on the 1st of November they again wrote, insisting upon a reply. That note Mr. Stevens answered on the 2nd of December, stating that he was willing to complete the model for £4,666 within 15 months from the date of the payment of that sum of money. His right hon. Friend the Member for South Hampshire (Mr. Cowper-Temple), who was then First Commissioner of Works, agreed to this arrangement, and the money was paid

on the 18th of February, 1862. The matter slept till 1864, when the Board of Works, being anxious to learn something about the progress of the model, sent three letters to Mr. Stevens without obtaining any answer. In reply to a very pressing letter sent in 1865, Mr. Stevens expressed his regret at the delay which had occurred, and said he was making all the haste he could. To a similar letter, sent in 1866, Mr. Stevens said that the model would be ready in five months; but it was not till 1867 that Mr. Penrose reported that the model was partially completed and invited inspection. On visiting Mr. Stevens's studio he expected to find a carefully-finished model, such as would enable a person who was not a sculptor to form some idea of the general effect of the monument; but, to his astonishment, the rough work shown to him was of a very different character. He did not know how long this kind of thing would have gone on but for the fortunate advent to office of his right hon. Friend the present First Commissioner of Works, who, at all events, brought to this question an element of decision which had been sadly wanting in his predecessors. Having been informed that £13,000 had been advanced to Mr. Stevens, and that £15,000 would still be required to complete the work, his right hon. Friend administered a very proper rebuke to Mr. Penrose, at the same time telling him that he was no longer to consider himself as superintendent, and that he would be held liable for all money improperly advanced upon his certificates. And upon this point he should be glad to learn from the Chancellor of the Exchequer whether any further action had been taken with regard to Mr. Penrose, and whether the Law Officers of the Crown had been consulted as to whether he could be made legally, as he certainly was morally, liable for the payment of such sums. Mr. Stevens was at the same time informed that his contract was cancelled. That was the history of the transaction up to last year, when this extraordinary arrangement was entered into with Mr. Collman. He was not then going to discuss the fruitless question as to the value of the monument as a work of art; but in the particular position into which it had been crowded in St. Paul's, it was an eyesore, the fact being that there was no proper

situation for such a large monument in the Cathedral. It would have been far better in the interests of art, if what had been done had been destroyed, and the work entrusted to another sculptor. The House of Commons had never been severe with artists, provided the artists did their work. He wished to ask Mr. Chancellor of the Exchequer, what was the real position of the work, and would Mr. Stevens be able to complete it in the time he had undertaken?

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "there be laid before this House, a Copy of further Correspondence relating to the completion of the Wellington Monument,"—(*Mr. Goldsmid*),—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

THE CHANCELLOR OF THE EXCHEQUER said, he had no doubt his hon. Friends had entered into this matter at great length to serve some useful object; but he was quite unable to divine what that object could be, and thought they might have employed their talents for research to better purpose. He would explain how the matter stood upon the present Government coming into office. By the original contract Mr. Stevens undertook to finish the monument for £14,000, and had received £13,000 when the matter came under his (the Chancellor of the Exchequer's) notice, a great deal of money having been spent in making a model, and in enlarging his premises to hold it. Excellent judges had informed him that Mr. Stevens was a sculptor of very great ability. [*Mr. Goldsmid*: No, no!] He begged the hon. Member's pardon. Did he mean that he (the Chancellor of the Exchequer) was not so informed? [*Mr. Goldsmid*: I deny his ability as a sculptor.] He would remind the hon. Member that he had not said he was. He had quoted the expressed opinion of competent judges. ["Name!"] Mr. Fergusson was one of those who held a high opinion of Mr. Stevens's ability. However, Mr. Stevens, having received £13,000 by the time the work was only half completed, borrowed another £1,000 on his own credit, and undertook private work

Mr. Morrison

with a view to continue the monument by means of the proceeds. But it proved to be impossible to do the work for the money, and it was quite manifest Mr. Stevens was unfit to undertake a contract in consequence of his unbusiness-like habits. At the same time the Government was advised by Mr. Fergusson, that if the work were taken out of Mr. Stevens's hands, the result would be serious loss to the country and injury to the monument. The problem was complicated by the fact that, whereas the monument had been designed for the body of the building, it was ultimately resolved to erect it in a chapel out of deference to the views of the late Dean Milman. The faulty character of the site was discovered too late to allow another to be chosen. Under these circumstances, as it was impossible for the Government to enter into any contract with Mr. Stevens, though at the same time it was deemed desirable to retain his services, the Government gave the advice which had been so much criticized. It was agreed that Mr. Collman—who possessed considerable property, was a thoroughly responsible man, and something besides an upholsterer—should accept the responsibility of the contract, and employ Mr. Stevens to do the work. The time fixed for the completion of the work was two years and a-half, and it was arranged that the work should be paid for in monthly payments of £250, upon the certificate of Mr. Fergusson and Captain Galton that it had been earned. The tenth of these payments had been made, and the work was reported to be in a forward condition. Some delay had recently occurred in respect of one portion of the work owing to the illness of Mr. Stevens; but there was every reason to believe the contract time would not be exceeded, and that the work would be done in a year and a-half. It was very easy to find fault with the arrangements, but he (the Chancellor of the Exchequer) would like to know what better plan could have been adopted? He was informed the work was in itself most excellent and admirable—in short, a beautiful specimen of the art, and it was on this account that they were advised not to take it out of the hands of Mr. Stevens; but whether the design was good, or the site chosen a proper one, he did not pretend to say. He was not a judge of such matters, but he took credit to the Go-

vernment for having found a solution of a very difficult problem.

LORD JOHN MANNERS said, that the question of Mr. Stevens's appointment had been discussed some years ago, and he had hoped that it would be unnecessary for the House to be troubled with these rather remote circumstances on the present occasion, but after what had been said by the hon. Gentlemen who introduced the question, he (Lord John Manners) thought it necessary to advert to one or two points, upon which he thought they had adopted views which the real facts of the case upon examination, would not bear out. They had stated that the First Commissioner of Works for the time being, who happened to be himself, had selected a comparatively untried man, instead of the more distinguished sculptors of the day. The fact was, the work was thrown open to unlimited competition—a course which was designed to bring out latent talent, but which naturally resulted in the absence of the most eminent sculptors from the lists, because they thought it beneath them to compete with obscure artists. The competition, however, brought out a great number of men of comparatively small repute—young men, ardent, and anxious to bring themselves into notice, and Mr. Stephens, if not the first, was at any rate very prominent among them. That was the explanation of how that gentleman came upon the scene. He had no capital, no establishment, and no great position; and that was one of the difficulties with which the Government had had to contend. The judges having recommended that the First Commissioner of Works should consult the surveyor of the Cathedral before either the sculptor or the form of the monument was selected, in compliance with that recommendation, he (Lord John Manners) immediately put himself in communication with Mr. Penrose, and he found, much to his satisfaction, that Mr. Penrose had independently arrived at a similar conclusion. It was not till then that Mr. Stevens was proposed as the sculptor for the work. He wished distinctly to say that Mr. Penrose was a gentleman of the highest character and respectability, whose opinion he would rather take on a subject of that kind than that of any person with whom he was acquainted; and he should regret if anything was said or

done in all those transactions which should bear in the slightest degree against Mr. Penrose's position as a very eminent architect and a most honourable gentleman. The Chancellor of the Exchequer had very clearly stated the course which he had taken since he had assumed the management of the business. He himself quite approved that course. It was, he thought, impossible, under the circumstances of the case, to arrive at a more satisfactory solution of the difficulty. He begged leave to confirm what the right hon. Gentleman had said as to their having in Mr. Stevens secured the services of a man of very great genius and ability; and, in his belief, the work, when completed, would be worthy alike of its subject and of the country.

MR. CAVENDISH BENTINCK said, it rather looked as if the two hon. Gentlemen who had condemned that work had prepared certain speeches on the subject last year, but being unable then to let them off, had delivered them on the present occasion. The great fault which had been found with Mr. Stevens was, that he had attended to the details of his work; but the great fault of modern works of art was that details were altogether neglected. Mr. Stevens, on the contrary, would not allow any portion of his work to come out of the hands of the workmen without giving special attention to it himself; and, therefore, when the hon. Gentleman opposite appeared to be cursing that mode of proceeding, he was really blessing it altogether. As to the assertion that Mr. Stevens was not a sculptor, the most competent judges and those who had seen his works would admit that, as a sculptor, he was second to none in this country, or perhaps in any other. The hon. Member for Plymouth (Mr. Morrison) said it was a fruitless thing to discuss questions of taste in that House; but he immediately forgot his own precept, and passed a series of adverse criticisms upon that monument. He protested against it being supposed that Mr. Collman was a mere upholsterer; he was described as an architectural decorator, and his excellent designs and admirable work might be seen at the Royal Academy in Burlington House. Mr. Collman had received an artistic education, and as he (Mr. C. Bentinck) employed him, and knew others who did so, he was enabled to bear testimony to

the high qualifications of that gentleman. He had made inquiries on the subject that very day, and had asked Mr. Collman how the work was proceeding, and it might be satisfactory to the Government and to the House to know that one-third of the time having now elapsed there remained only some of the marble facings to be made, so that there was great hope that the work would be completed in due time, and no doubt more would have been done, were it not for Mr. Stevens's unfortunate illness, which had been referred to. A sculptor's work, however, could not be done by rule of thumb; for at Berlin a monument of Frederick the Great occupied 10 years in its execution, the sculptor being bound by contract to do no other work whatever. The hon. Member for Plymouth said they ought to have dismissed Mr. Stevens and employed a sculptor. But the consequence of that would have been that the money expended on that admirable work would have been entirely thrown away, and they would have called in a man who knew nothing about architecture to make an architectural monument in the greatest building ever erected in this country. In conclusion, he must express his approval of the course taken by the Chancellor of the Exchequer, which he trusted would be persevered in, and he earnestly hoped the result would be satisfactory both to the House and the country.

MR. GOLDSMID said, he must explain that at the request of the Chancellor of the Exchequer, conveyed to him through the Secretary to the Treasury, he had not brought the question forward last year before the contract was signed. He only hoped that the work would be completed within the time named.

Amendment, by leave, *withdrawn*.

INDIA—OLD BANK OF BOMBAY—GOVERNMENT LIABILITY.—RESOLUTION.

MR. GREGORY, in rising to call the attention of the House to the Report of the Commissioners appointed to inquire into the failure of the Bank of Bombay, and the position of the Shareholders in such Bank with reference to the Government of that Presidency, and to move—

Lord John Manners

"That, in the opinion of this House, the case of such Shareholders is one for the favourable consideration of Her Majesty's Government,"

said, that in the years 1840-3 the Government determined to establish Banks in the three Presidencies; but he should confine his observations to the Bank of Bombay, which was established in 1840 by an Act of the Legislature of India, with a capital of £520,000. In that Bank, as in the other two Presidency Banks, the Government became shareholders, and they had the power of appointing—and they exercised the power of appointing—three Directors out of the nine which composed the Board of Direction of each of the Banks. The provisions of the Act establishing the Bank of Bombay were similar to the provisions of the Acts establishing the Banks of Bengal and Madras, and the business was strictly regulated and carried on in accordance with those provisions. The operations of the Banks, therefore, were safe and profitable, and each of the three Banks became a favourite means of investment for funds of all character in India. Indeed, their shares became a special means of investing trust funds and funds for charitable purposes, money belonging to natives, Civil servants, or retired officers in India, who were desirous of making provision for their wives and families and others dependent upon them. So much, indeed, were they recognized as a safe and secure investment, that there was scarcely a settlement known in India that did not give power of investment in these Banks. Such was the state of things up to 1860, when the Government took away the power they possessed of issuing notes; but, in return, and in order to compensate them for that deprivation, Government transferred to them the management of the Government Treasury and the payment of the Government balances. It being, however, considered necessary that a new Act should be passed, in order to place these Banks upon an altogether new basis, steps were taken to bring the matter before the Legislature of India, and new charters were accordingly passed for each of them. The Act for the Bank of Bombay was passed in 1861, and was framed by the solicitor of the Bank, under order of the Directors. And here he must remark that it might be objected that six of the Directors being appointed

by the shareholders, the latter were not in a position to complain of the acts of their representatives, who not only neglected their duty, but abused the confidence that was placed in them. He admitted that; and he also admitted that the shareholders had grossly neglected their duty. But he submitted that that did not displace the moral responsibility of the Government, which had been guilty of acts both of omission and commission. And he would proceed to show what were the acts of omission and of commission of the Government of India in relation to this subject, the powers they possessed, and in what respect they neglected to exercise those powers. With respect to the Government itself it was well to bear in mind, during the consideration of this question, that the Government in India was despotic. It acted by itself and for itself, without external influences, or any representation of the people subject to it; but as a condition of being a despotic Government, it must necessarily be a paternal Government. It must exercise control over the affairs of those subject to it; a close supervision over those dependent upon it, and attention to the duties and responsibilities which were inherent in a despotic Government. After the Act was framed by the solicitor of the Bank, the draft was submitted to Government, and the Law Officer of the Government directed that it should be submitted to another official, who was practising as a barrister at Bombay. Now, the old Act contained a clause which limited the power of the Bank to advance money on certain specified classes of shares only, and then only to the extent of three-fourths of their value, and a clause with similar restrictions came before the Directors as part of the new Act; but very unwisely and very improperly they struck out the restriction. On the 19th of March, 1862, the Act was forwarded to the Government of India; and they unfortunately intimated that it should not go through the Legislative Council of India, but that it should be passed by the Government of Bombay itself. The previous Act had been passed by the Government of India, and if the present Act had also gone through their hands, he (Mr. Gregory) believed more attention would have been paid to it, and the subsequent evils would not have

arisen. Well, the Act was referred back to the Legislative Council of Bombay, and here it might be necessary to state what was the sort of tribunal to which it was referred. The Legislative Council of Bombay consisted of twelve Members, six of them being officials, three of them partners of mercantile houses, and three of them native gentlemen. They were named by the Government, and they were, to all intents and purposes, the Privy Council of the Government, and, in fact, the Government in itself. On 12th May, 1862, the Government of Bombay forwarded a copy of the Act to the Secretary of State for India, and the Secretary of State then recommended that the business should be restricted to legitimate operations, such as those in the Bank of England or the Bank of Bengal as heretofore constituted. If the Government of Bombay had listened to this recommendation he (Mr. Gregory) would not now have been addressing the House. Unfortunately, the Government of Bombay did not listen to it; but they sent the despatch to Mr. Bickersteth, who was Government Solicitor, and Mr. Bickersteth gave the very cautious opinion upon it that, so far as he was aware, the powers intended to be conferred by the Act were more extensive than the powers of the Bank of Bengal, but did not exceed those of the Bank of England, but that his knowledge on this subject was very limited. The Government of Bombay had its attention therefore directed to this point, both by the Secretary of State for India and by their own legal officer. Under these circumstances, the Act came before the Legislative Council, and was placed in the hands of Mr. Robertson, who, if he was not mistaken, was the Secretary of the Government. The Directors nominated Mr. Michael Scott, who was one of their body and also a Member of the Council, to look after their interest during the progress of the Act. Mr. Robertson, it appeared, in bringing forward this measure, never called the attention of the Council or the public in any way to the point to which he had just referred. In fact, while he entered into very minute detail in describing the general character and nature of the provisions of the Act, he never touched upon a point which was so material to the interests of the Bank. The Act passed the Council, and was sent in due

Mr. Gregory

form to the Governor General, and approved of by him. It was also sent home to Sir Charles Wood, and on the 4th December, 1863, he wrote to the Governor General that the Act had been amended, and might come into operation. It was, therefore, sanctioned by the three branches of the Legislature—the Government of Bombay, the Governor General, and the Secretary of State. It made material alterations in the constitution of the Bank as compared with the original Act of 1840, for it gave power to the directors to make advances to any amount to any individual on promissory notes, and on the security of shares in public companies, whether guaranteed or not. It also gave them power to increase the capital without the consent of the Government. The Act as first drawn contained by-laws, which restricted the operation of those powers; but these were struck out by the Legislative Council, a proceeding in itself reasonable, for otherwise they could not have been modified without a fresh Act. A power of making by-laws was substituted; but that power was never enforced, the Government never taking the trouble to see that it was exercised. Another very proper provision, giving them the right of calling for accounts and inspecting documents, was also allowed to remain a dead letter. Thus, the Government permitted the passing of an Act which gave power of speculative transactions to any amount; and striking out the schedule of by-laws they never required by-laws to be made, or called for accounts. The President of the Bank was Mr. Birch, a Government Director, who was an official high in the Government of Bombay. The second officer was Mr. Blair, the Secretary of the Bank; and the next was Mr. Ryland, the Deputy Secretary. No time seemed to have been lost in acting on the liberty which the new Act allowed, and in entering on a system of reckless and desperate banking. It was now necessary that he should introduce to the notice of the House the name of Premchund Roychund, who played an important part in the subsequent history of the Bank. Premchund was the son of Roychund Deepchund, a man of humble origin in Bombay. Premchund was a small cotton broker in the beginning of his career, and subsequently became a shareholder and promoter in

nearly every company which was started in Bombay. In 1863-4 the capital of the Bank was increased, under the powers of the new Act, to £2,000,000 sterling. During that time the American War was going on, and India became the great source of the cotton supply. Money became plentiful, and reckless speculation prevailed. Two schemes—the Back Bay Reclamation Company and the Financial Association of India—were most fatal to the shareholders of the Bombay Bank. Lacs of rupees were advanced without consulting the Directors, on no other security than a promissory note, and the principles of ordinary banking were utterly neglected. He regretted to say that Mr. Birch received allotments of shares, by which he realized something like £37,000; and Mr. Robertson, another Director, also realized large sums by similar means. Premchund, too, became a large debtor to the Bank. He appeared to have obtained loans for himself amounting to £420,000, and for other people amounting to £669,000; and by this means a loss ultimately fell upon the Bank of £434,547. He also obtained money for speculative purposes of £295,893, whereby a loss arose of £130,240; in fact, as the Commissioners stated in their Report, Premchund had the Bank entirely under his control. He now came to a transaction that was very serious, to say the least of it. It appeared that the Directors of the Bank were not satisfied with the loss that they had sustained, and they determined to establish a branch in Bombay itself. They did, in fact, establish such branch; but it was illegal to do so, according to the charter, and should at once have been checked by the Government. Instead of that being done, however, the consent of the Government was specially given to the establishment of the Bombay branch, and the establishment of this branch resulted in a heavy loss to the Bank. In 1865 Mr. Birch resigned, and on the 12th of April, 1865, the Directors of the Bank came to this most extraordinary resolution—that they would advance money, not only upon shares they held or were to hold as securities, but upon the premiums which the shares commanded in the market, and they agreed to advance from £50 to £175 upon the premiums that the shares commanded—that was, that if the shares

were at a premium of £200 the Bank would advance £175 of that premium. Such transactions were contrary to every system of banking which had existed in the world, and it was needless to say that they resulted in a loss to the Bank of not less than £134,716. On the 29th of April Mr. Blair resigned; and at this period the Bank had lost £1,531,340 by operations of which the Commissioners gave a summary in their Report. A new phase of the history of the Bank commenced in 1865, when the attention of the Government at home was directed to the transactions going on, although the Government of Bombay seemed to have been utterly blind to them, unless it had countenanced them throughout. On the 3rd of March, 1865, Sir Charles Wood wrote to Sir Bartle Frere, expressing alarm at the possible consequences of the speculations, mentioning disagreeable rumours, praying that the affairs might be looked into, and urging how desirable it was that the Government should stand clear if anything went wrong. That was a most proper letter to write, and it was only unfortunate that the Bombay Bank ignored it; for if they had acted upon Sir Charles Wood's recommendations, the losses which had been sustained would not have been experienced. Upon receipt of the letter Sir Bartle Frere communicated with Messrs. Chapman and Lushington, directing them to look into the affairs of the Bank, which they did. There was a meeting of the Directors, at which it was resolved that no customer of the Bank should be allowed a credit of more than £30,000 without the special sanction of three Directors. That was all very well if it had been acted upon two years before; but the loss had been already sustained, and, moreover, the transactions were continued, notwithstanding the resolutions, the secretary being Mr. Robertson, who had been a party to Mr. Blair's proceedings. At last, a creditor at the Bank named Cama, failed, and he owed the Bank £177,168, but without security. Then ensued a panic and a run on the Bank, which had less cash in hand than safety required. In that emergency they applied to the Governor of Bombay, and on the 5th of June, 1865, he sent a telegram to Lord Lawrence, to ask whether the Government would advance 150 lacs of rupees. That telegram

and what else took place showed that the Bank was not looked upon in the light only of a financial concern, but as a political agency also, for the run on the Bank ceased when it was found that it was to be supported by the Government, and the necessity for rendering pecuniary assistance never arose. The Governor General, however, had his attention called to the transactions, and he wrote to the Governor of Bombay desiring the Bombay Government to look after the Bank, which he understood was making advances on shares, contrary to the charter of the Bank, and on the 18th May Sir Charles Wood also wrote, warning them that their transactions were contrary to all banking systems. The note of the Secretary of State was referred to the Government Directors, and, as disclosed by the Commissioners, the following was the method of the Directors in dealing with it:—Their Report stated that £417,000 had been advanced upon the securities of certain shares which were mentioned; but that advances of this kind had been for some time discontinued—a statement which was manifestly incorrect. The inference which he drew from all the circumstances was, that not only was there neglect on the part of the Government of Bombay, but that they deceived the Governor General and the Secretary of State, and further that they deceived themselves and were willing to be deceived. Later than this, securities which they held so largely, rose in the market, and they might have realized without that enormous loss which subsequently accrued; but the Bank, unfortunately with the assent of the Government, adopted a policy of forbearance, and the interests of the shareholders seemed to have been sacrificed by the Government of Bombay for political considerations. No advantage was taken of the rise in the value of shares, and therefore the ultimate loss was sustained. On the 8th September Sir Charles Wood acknowledged the receipt of a despatch of the 8th July, and he said that the statement of the proceedings of the Bank was sufficient to show how unjustifiable they were, and he directed that in future there should be no advance upon shares which were not guaranteed. The Bombay Government took no legal action upon that recommendation; they

Mr. Gregory

referred it to the Directors, by whom it was practically ignored. The Government of India not being satisfied, required an examination into the affairs of the Bank, and that was also referred to the Government Directors. On the 31st March they reported that there was £321,000 outstanding on loans at the head office; that £79,000 had been realized; that £126,000 was due; and that there was £116,000 not accounted for. It might have been thought that, at this period, considering the state of his account, the recommendations that had been received from the Secretary of State and the Governor General, and the remonstrances that had been directed to the Government from time to time, that at all events there would have been a suspension of any dealing with Premchand for the future. That, however, was not the case. In April, 1866, application was made by him for a loan of £250,000, and he offered as security some title deeds to landed property, and some other property, on which he put a nominal value. One of the Government Directors called upon Sir Bartle Frere, and spoke to him on the subject. According to the Report of the Commissioners, Sir Bartle Frere expressly sanctioned this advance, on the ground that the transaction was at the time being carried out, and was not complete. Now, that would have been a very sufficient ground for stopping it. He should have said—"I refuse this application at once, knowing the state of the accounts, and the affairs of the Bank." But he approved of the transaction because he believed that it was going on, which was a most extraordinary reason. If it had been concluded, he might have said that it could not be helped; but he (Mr. Gregory) was at a loss to conceive why he took the course he did under the circumstances. It turned out, when looked into, that, of course, the securities were worthless, as might have been expected. That, however, was not the only proof of the reckless way in which the business of the Bank was conducted. Another proof was found in the fact, that they permitted themselves by sheer carelessness to lose upwards of £96,000 in connection with the Asiatic Bank. In 1866, His Excellency the Governor General of India caused a communication to be addressed to the Government of

Bombay, asking that inquiries might be made as to the conduct of the Bank; but the Bombay Government took upon itself to consider that the inquiries were of such a character that a bank carrying on business ought not to be called upon to answer them. Again, the Governor General asked for information, specifying the points upon which he desired to be informed, and after much delay the Directors reported a loss by advances on shares alone amounting to £116,000, and a further loss by advances on promissory notes to one firm amounting to no less than £801,000. In 1869 the Directors reported a total loss on their trading of £1,500,000; but a subsequent fuller investigation disclosed a loss of £1,889,933, involving ruin and desolation on all hands. The conduct of the Directors of the Bank was without doubt culpable, but no less culpable was the conduct of the Government, which by neglecting to make inquiries, enabled the Directors to circulate reports giving an altogether false colour to their transactions. Having thus pointed to errors of omission and commission in the conduct of the Directors as well as of the Government, he therefore asked a favourable consideration for the Resolution he was about to propose. He knew he might be told that recommending the case of the shareholders to the favourable consideration of the Government implied an advance of money to recoup them for their losses, and that that would fall heavily upon an already severely taxed people. That was true; but it must be borne in mind that the loss was due to the neglect of the Government of the Presidency to investigate the affairs of the Bank when their attention was called to the manner in which its business was being carried on—that in 1864 and 1865 they threw into the market a great quantity of land for which high prices were paid, and for the purchase of which large advances were made by the Bank of Bombay; and that the people of Bombay were amenable for the acts of the Government, and must be prepared to make good any losses occasioned by those acts. He asked for the favourable consideration of the Government on behalf of those who had been induced to place their money in the Bombay Bank as a Government investment, on behalf of trustees of public charities, and on behalf

of Civil servants of the Crown, and others who had wasted their health in the public service, and had made provisions for their families by placing their money in an institution which they thought safe and secure, because it was under the control of the Government of the Presidency. In conclusion, the hon. Gentleman moved the Resolution of which he had given Notice.

COLONEL BARTELLOT, in rising to second the Motion, expressed his belief that the case of the shareholders in the Bombay Bank not only deserved, but would receive, the sympathy and the consideration of the House. He had refrained from bringing their case before the House last year only because he could not at that time foresee any practical result. The transactions connected with the Bank were as bad as any of which he had ever heard, and all the facts tended conclusively, to his mind at least, to show that the Government at Bombay were responsible for the action of the Directors whom they placed in charge of the affairs of the Bank. He was exceedingly glad that his hon. Friend the Member for East Sussex (Mr. Gregory) had taken up the matter, because with his knowledge of law and legal ability he was enabled clearly to state the case from end to end, and show how far the Government of Bombay was connected with all those transactions of the Bank that had occasioned such serious injury and losses to all who had anything to do with it. This Bank was started in 1840, and for a period of 23 years, when it was under a wise and prudent charter, it was well and honestly conducted. It did all that the shareholders could desire, and paid good and regular dividends. The Bank was so generally esteemed that moneys of all kinds and from all quarters were deposited in it. That state of things went on until the 13th of January, 1868, when it came to a frightful collapse. The Government of that day thought that was so serious a matter that they sent out a Commission under Sir Charles Jackson to inquire into the affairs of the Bank. Two Reports emanated from that Commission, but one of them only was made public. Where, he (Colonel Barttelot) asked, was the other Report made by the Commissioners? Was it because it was condemnatory and damnable of the Government of Bombay that

Her Majesty's Government were afraid to produce it? The inference naturally was, that by the keeping back of that Report there was something in it which the Government did not like to see made public. In 1861 the notes allowed to be issued by the Presidency Banks were stopped. But in lieu of those issues, there were placed in their hands the Government balances. A new charter was thereupon obliged to be made. This new charter was one very much of the same kind as that before in force in regard to the Banks of Madras and Bengal. The charter of the Bombay Bank, however, differed materially from the other two, and although the attention of the Government of Bombay was called to the nature of the charter to be granted to the Bank by the Secretary of State for India and the Law Officers of Bombay, nevertheless the 37th clause of the Act of 1863 was passed, which gave power to the Bank to lend money without security upon any scheme that might be propounded, whether such scheme was guaranteed by the Government or not. From that moment speculations took place in all directions in connection with the Bank; various companies were established; shares were bought up, and numerous projects were set on foot. All this state of things ended in a frightful collapse of the Bank. But, in the meantime, the Government of Bombay were warned, in emphatic language, that things were going to the bad in regard to the Bank. They were warned by the Governor General of India, and by responsible parties in Bombay itself. Still the Government of Bombay did not make any effort to stop the reckless proceedings that were taking place. Out of the proceeds of these transactions, it was stated in a Report that two of the Directors of the Bank had made large sums of money—namely, £37,000 and £26,000 respectively. He wished to know whether the statement was true that those Directors did realize such large profits out of the Bank to the detriment of the shareholders? He now came to the case of Premchund Roychund. That man obtained advances from the Bank, and he became at last, by his influence over the Directors, master of the Bank. At a time when he was indebted to a large amount to the Bank, and when he was insolvent, he asked for a loan

Colonel Barttelot

of £250,000. Sir Bartle Frere, instead of refusing this application, allowed the Bank to continue its course. That money was consequently lent upon the most worthless securities, and this man, Roychund, failed for a large amount. The charter granted to the Bank strictly prohibited the establishment of another Bank in Bombay, but a branch Bank was established at Kalbidavi, by which £190,000 was very soon lost—and lost without the hope of redemption. The whole of the Government Directors united together to prop up this Bank, and not to allow the public to know what was going on inside. After some speculations, the shares of certain companies did show a rise, and the Directors, if they had availed themselves of that opportunity, might by careful management have got the Bank out of its difficulties. Those shares, however, were left precisely as they were, and no effort was made by the Directors to retrieve the unfortunate position in which the Bank was placed. Sir Bartle Frere, seeing a run upon the Bank, telegraphed to the Governor General of India that unless £1,500,000 was sent to its assistance the Bank must stop. The Governor General wrote to say he would be answerable. The Bank went on, but without any proper supervision. Some loans were again made, the same irregularities and the same culpable negligence being manifested. In the end, in five years the capital of what had been the safest and soundest bank in India was raised from £500,000 to £2,100,000, and when it failed, on the 13th of January, 1868, it was found that a loss of £1,998,833 had fallen upon the shareholders. He maintained that that was a state of things which demanded very serious consideration. Something was surely due to the shareholders, and he hoped that his hon. Friend would get up in his place and state that, whether the Government were prepared or not to do anything for their pecuniary benefit, they would say that in their opinion gross and culpable neglect attached to the officials in Bombay and to the Directors of the Bank. In relation to this subject, it should be recollected that the Government of Bombay had sold a powder magazine for £400,000, and certain esplanade lands for £541,000; that would be a sum of £941,000. The Government had also had, but had not

taken them up, 400 Back Bay shares, which had realized over £1,000,000; and they had a right to ask on behalf of those long-suffering people—the widows, orphans, and others, many of whom were retired officers and Government servants—who had trusted the men in high position, and who ought to have been men of honesty and integrity, that their cases should receive that earnest and attentive consideration which the Resolution asked from that House.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, the case of the Shareholders of the Bank of Bombay is one for the favourable consideration of Her Majesty's Government,"—(*Mr. Gregory,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. GRANT DUFF: Sir, I am sure I regret as much as does the hon. and gallant Gentleman opposite (Colonel Barttelot) the misfortunes of the shareholders in the Old Bank of Bombay; and if this Motion had been brought forward several years ago, I should most probably have accepted it, substituting, perhaps, the word "anxious" for the word "favourable." To accept the Motion now after the affairs of the Bank have received the fullest, the most careful, the most painful consideration from the Government without its seeing any way to meet the wishes of the shareholders, would, I fear, be to excite false hopes and so to inflict a new evil upon persons who have had evils enough already. For this Motion, if it means anything, means that Her Majesty's Government ought to direct the Government of India to take a sum of money out of the pockets of the people of India and put it into the pockets of the persons who lost money by the failure of the Old Bank of Bombay or their representatives. But what defence could there be for such a proceeding? Is not the proposal that we should adopt it an admirable illustration of the saying that A never sees B in distress without wishing C to relieve him? If this were a Resolution to the effect that the Bombay Government of six or seven years ago was very injudicious as regards the Bank, and that it is the bounden duty of the Home Government

of India to take care that, as long as any connection remains between the Government of India or any subordinate Government and the Presidency Banks, greater care should be used to protect the interests of Government in those Banks, then I should not have a word to say against it. But that is not, I apprehend, what is meant. This is simply—I will not say a demand, for the hon. Gentleman's Resolution is in terms as mild as his tone is courteous—but I will say the expression of a wish for money, and that money we cannot honestly give. Why is this Motion made here in the House of Commons at all? It is made here, because in this, which is a mere question of private right, it is notorious that no Court of Justice would decide in favour of the shareholders. Aware, accordingly, that they have no legal claim, they fall back on what they call a moral claim; a moral claim to get money from the people of India, £110,000 of whose money—far more than was lost by any single shareholder—was lost by the failure of this ill-starred Bank. The hon. Gentleman says that the Government of Bombay was responsible. Yes; but to whom was it responsible? The Government of Bombay was responsible, not to its fellow shareholders, but to the Government of India and to the Secretary of State in Council for looking after its own shares in the Bank and its deposits with the Bank. Let us see how the facts stand. The Court of Directors always set its face as a flint against giving any guarantee to the Presidency Banks. In the year 1806, the Government of Bengal recommended it to establish a Bank at Calcutta, the solvency of which was to be guaranteed by the Government. The Court, which had already rejected a similar proposal from Madras, again carefully re-considered the whole question and eventually refused to agree to the recommendation. The grounds of the Directors' refusal were—first, a determination not to guarantee any Bank; and, secondly, a dislike to being partners in any Bank. On the latter point they did not stand very firm, giving the Government of Bengal a latitude to subscribe £100,000 to the capital of the proposed Bank, if it could not be founded without that help; but on the former they stood perfectly firm. They would hear nothing of any guarantee. Nor did the Court depart from this wise policy in sanction-

ing the establishment of the Old Bank of Bombay. It is quite true that the money subscribed for the shares was paid in the first instance to the sub-Treasurer of the Bombay Government; but it is not less true that the Act of Incorporation provided that the amount so subscribed should be delivered to the Directors of the Bank; that the receipts granted by the sub-Treasurer of the Government of Bombay should be cancelled, and that a certificate signed by three Directors of the Bank of Bombay should be delivered to each proprietor. If the Government meant to hold itself out as in any sense adopting or guaranteeing the Old Bank of Bombay, what in the world was the object of this ceremony? Why were the receipts of the sub-Treasurer cancelled? Why were the receipts of three Directors of the new institution carefully substituted for them? Continuing its policy of recognition and allowance, the Government became a shareholder in the Bank, and the Government being a shareholder, became, of course, just as liable as any other shareholder in a chartered bank to all the depositors and creditors of the Bank. There is no kind of dispute about that; and no creditor or depositor has lost a penny by the Bank's failure, though the Government, like other shareholders, has lost nearly the whole value of its shares. But it is one thing to be liable to depositors and creditors, quite another thing to be liable to fellow shareholders; and unless it can be proved that in some mysterious way the Government became liable to its fellow shareholders the present Motion has no basis. On what ground, then, can it be maintained that it was liable to its fellow shareholders? Is it because the Government had three Directors on the Board? That only proves, what no one denies, that Government was a very influential shareholder, and meant to take, though unfortunately it did not, very good care of its own interests. The function of those three Directors was to watch over and protect the interest of the Government. In the latter years of the Bank's existence most of them proved to be very inefficient, selected as they were, and must in the nature of things have been, from men who had no experience in banking; but they were put there to look after the heavy stake of the Government, *qua* shareholder, not the interest of its fellow shareholders,

Mr. Grant Duff

who were represented by six Directors of their own, able at any time to out-vote the Government Directors, and who, as commercial men, were likely to know more of commercial matters, as, in fact, they did. But it is attempted to fix responsibility on the Government, because the Act of Incorporation of 1840 entirely precluded the Bank from being engaged in any business of an unsafe or speculative character. In the first place, the fact is otherwise. The Act of 1840 left it open, for example, to discount any amount of bad bills. If the Bank had had the misfortune to fall, in the earlier years of its existence, into the hands into which it fell in the latter years of its existence, its ruin might have been ante-dated by nearly a quarter of a century. In the second place, even if the fact had been as alleged, it would not have supported the inference. The Government, even if it had made it impossible for the Bank to discount bad bills—an impracticable feat—would only have done so in its own interest, or rather in the interest of those for whom it was acting—the great public of taxpayers, not the little public of shareholders. Such being the state of things under the Act of 1840, was there anything in Act 10, of 1863—once so popular with the Bank shareholders, but so much attacked after that event—or was there anything in the circumstances connected with its passing that altered the relations of the Government to its fellow shareholders? I think not. And here let me pause to note a most strange fact, that the very people who wished for the legislation of 1863, accepted the new charter, and took all the advantages under it, including dividends at the rate of 12½ and 16 per cent, are actually coming whining to Parliament and complaining of the result of their own actions. There may be some ground for saying that the Bombay Government, or even the then Secretary of State, should have so far distrusted the wisdom of the mercantile community of Bombay, as to have forbidden the slightest relaxation in the terms of the old charter. But is it for the people who accepted the new charter to complain? Who was it initiated the changes in the Act regulating the Old Bank of Bombay? It was the Board of Directors, not the Government? Who prepared the draft Act? The solicitors to the Directors of the Bank, not the Government solicitors.

Who was it who struck out of the original draft the words, the absence of which afterwards led to so much mischief? Were they Members of the Government? Were they appointed by the Government? They were not Members of the Government. They were two commercial Directors, Messrs. Scott and Foggo. They were appointed to be a Committee for the preparation of the Act by the Directors, not by the Government. Who was it ratified the striking out of these important words? Was it the Government? No; it was a special general meeting of the shareholders called on 28th November, 1861, not by the Government, but by the Directors. It was not till after the affair had gone a very long way, indeed, that the Government had anything whatever to do with it; and when the Government did appear on the scene it erred, not like the shareholders who were making haste to be rich by commission, but by omission. Observe, I am not defending the Bombay Government which, although it took the best banking advice within its reach—which is not saying much—failed to secure the interests of the people of India, which were represented by £120,000 embarked in the Old Bank of Bombay; but its fellow shareholders are not the persons to cast stones at it. They were far, far more culpable; and if it is said that some of them were living at a distance and could not exercise effectual control, might not the same thing have been said of hundreds and hundreds of persons who lost their money in the numerous great concerns which went crashing down here in England in 1866? The people at a distance were concluded by the acts of the people on the spot, who were largely engaged in the wild speculations of the time, and the House must not forget that many of the Bombay Bank shareholders were concerned in the very speculations that ruined them as shareholders; but even as to those who had neither part nor lot in the wilder speculations, is it not true that persons who put their money into banks, if they are in their senses, make their arrangements accordingly? They expect high interest, but they do not expect security equal to that of the funds or of other steady-going investments. Much is made in all discussions of this kind of the losses of the widow and the orphan; but those are not the true

friends of the widow and the orphan who encourage them to get 16 per cent for their money. There is another point to which, I think, the hon. Member has hardly paid sufficient attention. Supposing, even, that a moral claim were made out for some persons, who would the persons be? Would they be the persons who happened to be the shareholders at the moment the Bank went wrong, or would they be the persons who hold shares of the Old Bank of Bombay at this moment? I think the hon. Member would find that even if he succeeded in forcing the Government to commit the great wrong of robbing the people of India to pay the Bombay Bank shareholders, the persons benefited would consist largely of persons who had bought the shares for a mere song on the chance of something being done by the Government. To sum up, it seems to me that the Bombay Government was overtrusting and injudicious, as well as most unfortunate; but that with regard to its fellow shareholders, its conduct was *damnum absque injuria*. How was it that the commercial Directors, who were twice as numerous as the Government Directors, never found out the kind of man they had for a secretary? Each of the parties concerned—the Government of Bombay and the shareholders—had great powers, which powers, if properly exercised, might have saved the Bank, and each party neglected its respective duties; but the people of India did no wrong, while they lost a great deal; and the least reasonable course that could be proposed would be to compensate one of the guilty parties, not out of the pockets of the other—for nobody proposes to confiscate by Act of Parliament the property of the persons more or less connected with the Bombay Government who had to do with the misfortunes of the Old Bank of Bombay—but out of the pockets of perfectly innocent persons, who had neither directly nor indirectly anything whatever to do with the whole transaction. I repeat, I am not defending the Government of Bombay. I am defending nobody and nothing but the pockets of the people of India. The Government of Bombay was in 1866 in the hands of a man who well knew how to defend himself—a man of the highest merit, although in this one instance unsuccessful. My hon. Friend must remember that he is looking at these af-

fairs after they have been examined and thrashed out by a Commission which sat for about a year. The Bombay Government, which had many other things to attend to, was looking at them while a great number of persons were interested in deliberately hoodwinking it, and while many more were as much blinded by sanguine hopes as were people in England at the very same time, and up to the great Overend-Gurney crash.

MR. EASTWICK said, he wished to saw a few words in support of the Motion, notwithstanding the speech which they had just heard. The Under Secretary of State for India had endeavoured to repudiate the responsibility of the Government Directors by saying that they were at the Board simply to look after the interest of the large sum of money which the Government had invested in the Bank; that the Government Directors were there as any other Directors might have been; and that the shareholders had no reason to look to them for protection more than to any other of the Directors. It was, however, impossible for the representatives of the Government to be connected with a Bank, and to stand upon the same footing with other Directors elected by the shareholders, for shareholders would be hoodwinked by seeing the Government taking a share in the concern, and would trust to that fancied security, notwithstanding all the cautions common sense might suggest to their minds. Hence it was that the authorities of the East India Company manifested such extreme repugnance to allowing the Government to be mixed up with banking concerns. In treating of the conduct of the Government Directors, and also the Government of Bombay itself, he hardly knew how in words adequately to describe the way they had conducted the affairs of the Bank. Had there been mere mismanagement on the part of the Government Directors, he should not have asked for the losses resulting therefrom to be made good; but there had been more than mismanagement on the part of the Directors of the Bank—there had been that which some persons might be disposed to term swindling for their own benefit, and an utter neglect of the interests of the shareholders. The hon. Gentleman the Under Secretary of State for India had asked why

Mr. Grant Duff

the people of India should be called upon to pay for this scandalous and flagitious conduct? But he (Mr. Eastwick) said it was in the interests of the people of India themselves that he asked that part of the money lost by the shareholders should be made good, because the confidence of the Indian community had been rudely shaken in all banking establishments with which the Government was connected, and if the matter were entirely passed over in silence by the Government of India, the people of India would never again have faith in any banking establishment whatever. He asked, in the first place, for money to prosecute the delinquent Directors; and, secondly, for money to make good all trust funds invested in the Bank. He gave a cordial support to the Motion.

MR. DICKINSON said, he could not support the Motion, for while admitting that the fact of the Government of India having become shareholders of the Bank of Bombay had given that establishment an importance which it would not otherwise have possessed, and had induced private persons to invest their money in it, he thought that there was no ground for asking the people of India to pay the losses that had been incurred through the misconduct of the Directors and their officers. If the Indian Government were to be held pecuniarily responsible because the Directors whom they appointed failed in their duty, the Home Government might be held responsible too for having appointed those who, as Members of the Indian Government, had misconducted themselves. And if the Indian Government were to be held responsible because shareholders believed that they had Government security for their capital, persons subscribing to Indian Government Loans would claim to hold the British Government responsible if India were lost, because they believed that they had such ultimate security to fall back upon. He did not see how anyone supporting the Resolution could stop short of those conclusions. The Legislative Council of Bombay had given a dangerous power to the Bank; but it was a novel proposition to him that the people of a country were to pay because those to whom the Legislature had given certain powers exercised those powers improperly. Even if the Bank Directors were culpable, that was no reason why the shareholders should call

upon the general community to bear their losses, more especially when the Government were represented by three only out of a Board of nine Directors. If the Bank had become insolvent the creditors, under the unlimited-liability principle, might have come upon the Government as the richest shareholder in the concern to pay; but the Government in that case would have been entitled to come upon the other shareholders to make good their proportion of the contribution. But in this case the Bank had simply lost its capital, and there was no reason why one class of shareholders should come upon another to replace the lost capital. The conclusion of the Commissioners, which had not been read, was that the losses were due to these causes—First, the Act of 1863 removed restrictions that were contained in the former Act; second, the abuse of power by weak and unprincipled Secretaries, acting under the influence of native Directors; third, the President and Directors of the first and second periods were negligent of their duty; fourth, the exceptional nature of the times required more than ordinary vigilance and care; fifth, the President and Directors of the first, second, third, and fourth periods were not cognizant of banking business, and were incapable of managing such an institution in difficult times; sixth, the absence of sound legal advice—these were the grounds of the losses which it was asked that the people of India should make up; and he protested against the adoption of so dangerous a precedent, for which none of those causes afforded any legitimate ground.

MR. DENISON said, he was unable to support the Motion, but did not regret that the discussion had been held. He thought the House would be of opinion that a more scandalous revelation of the conduct of a great institution like the Bombay Bank had never been placed before Parliament; and, if he cared to do so, he might exhaust the English language in finding terms strong enough to reprobate the conduct of those who were responsible for all this malfeasance. But it became a very different matter when the House was asked to interpose between the shareholders of a trading concern like the Bank of Bombay, and to pledge the credit of the Government of India for the wrong-doing of those

who were primarily responsible. He could take no such view as that, and he thought the passing of the Resolution would be most mischievous; and that it would, in fact, be offering a premium for any future amount of misconduct on the part of those who managed these banks, if in times of prosperity the shareholders in a concern like the Bombay Bank were to take advantage of everything which prosperity brought them, and then when the day of adversity came they were to come down on the State, in order to be guaranteed against any losses which might have arisen from their mercantile speculations. He did not know by what reason it could be urged that the directors of a bank who, by their own misconduct and wrongdoing had reaped failure, should then turn round and say that the taxpayers of the country ought to make up their deficiencies; and he was sure that such a doctrine as that would not be entertained by that House. It would be altogether a wrong conclusion to say that, because the Government were shareholders in the Bank, they were to be held responsible for any losses that might arise, for the Government of Bombay was completely hoodwinked by those who ought to have kept them informed of the position of the Bank, and the Governor of Bombay was misled by inaccurate reports. The Government of Bombay, however, committed one great error which had not been explained, and that was that for 10 months it withheld the information asked for by the Government of India. He quoted the Report of the Commissioners on the point; but he did not make the same deduction from it as did the supporters of the Resolution. They had now to look at the dry legal bearings of the question; and such a Resolution as that proposed would not only be mischievous in itself, but it would be an interference with the action of the law, and possibly prejudice the position of Parliament as the ultimate Court of Appeal. He hoped, therefore, the House would pause, and not pass the Resolution. Although he had as much sympathy as any Member of that House for the interests of those who were unable to look after their own affairs, he believed this was a question not of sentiment, but of dry legal justice. The House could not, if it had regard to that

consideration, pass the Resolution, and he hoped his hon. Friend would not press it to a division, because by withdrawing it he would do more good to those whose cause he advocated.

MR. CANDLISH said, it was not alleged that the Government of India were legally liable for the losses of the shareholders of the Bank of Bombay. If there had been a legal claim the question would not have been raised in that House, but before another tribunal. The question was, whether the Motion was not founded in reason, and was there not ground for the fair consideration of the claims of those who had suffered from the failure of the Bank? Everyone must condemn the action of the Government of Bombay, through whose wrong course of conduct a vast number of innocent persons had been brought to poverty. Would it, then, be wrong to make the people of India pay for the misconduct of their Government?

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

MR. CANDLISH resumed, and said that he should have been glad if the Government had seen their way to accept the proposed Resolution; or if they had promised to make further inquiry with a view of mitigating the sufferings of those who had experienced such heavy losses; and especially so, when they considered, as no doubt was the case, that the persons suffering believed they had the virtual guarantee of the Government for the security of their deposits. He should like the House to say to those innocent and unfortunate people who had suffered so grievously, that the persons through whose culpability the suffering arose should be compelled to make good the loss.

THE SOLICITOR GENERAL said, he thought the reasons of the hon. Member for Sunderland ought to lead the House to a conclusion opposite to that at which the hon. Member had himself arrived. The hon. Member said some of the shareholders in the Bank believed that they had the security of the Government for their capital; but he (the Solicitor General) could not comprehend how people who were receiving interest at the rate of 16 per cent per annum upon their investment could possibly arrive at the conclusion that in addition

to this they had Government security also. It was clear that they could not have a Government guarantee in addition to so high a rate of interest. He agreed, however, with the hon. Member, that the innocent ought not to be punished for the guilty; but he had not heard a word to show that it was the shareholders who were innocent and the taxpayers who were guilty. The accusation of the hon. Member for East Sussex (Mr. Gregory) against the Government of India was that, without the knowledge of the shareholders, the Government caused an Act of the Legislature to be passed which was not in accordance with the instructions sent out by Sir Charles Wood; and that the Act gave ampler powers to the Bank of Bombay, than were formerly entrusted to it, and ampler powers than it was either necessary or proper for the Bank to possess. On both of these points he differed from the hon. Member. Those powers were sought and obtained by the Directors on the instructions and with the express authority of the shareholders, as expressed at a General Meeting held on November 28, 1861, and they were, therefore, alone responsible if the powers obtained were too wide. He could not, on the other hand, conceive on what tenable ground it was sought to place the responsibility upon the Government of India, and he was of opinion that but for the fact that it turned out by accident there had been a difference of opinion between Sir Charles Wood and the Government of Bombay, the House would never have heard of this question. He could not, moreover, concur with the hon. Member for East Sussex that the powers given to the Directors were too great for any bank to possess. It was no sufficient ground of complaint against them to say that they were larger than those conferred by the old charter, or larger than those possessed by the Banks in the other Presidencies, unless it could also be shown that they were improper powers. Why, the Bank of England existed under a charter which conferred powers only limited by the discretion of the Directors, but would anyone say that the Government of this country was in any way bound to indemnify the stockholders against any want of prudence on the part of the Directors? The next complaint was, that as the Government of Bombay, which had a large

Mr. Denison

stake in the concern, had appointed, out of a Board of nine, three Directors who had neglected their duties, they were therefore liable to make good any loss which had followed upon such neglect. It was to him, however, an entirely new legal principle that the shareholders who elected Directors were to be held responsible to the other shareholders for the *doles* of the persons they elected. The three Government Directors neglected their duty, some of the shareholders' Directors also neglected their duty, and the remainder did something worse. Now, supposing the principle he had just mentioned were a just one, the loss should fall not upon the Government, but upon those shareholders whose nominees on the Board had been guilty of something beyond simple negligence, for it had been decided over and over again in England, that directors who had taken no part in the commission of breaches of trust were not liable, but that the liability rested simply upon those who had been engaged in the commission of wrongful acts. An observation had been made on the question of providing a sum of money to cover the expense of prosecuting some of the Directors, but the Report of the Commissioners only mentioned two of the Directors as having been guilty of moral misconduct, and as far as even they were concerned he failed to see how a criminal prosecution would lie. It was also said that there were certain *centuis que trust*, who were specially deserving of sympathy. But either the trustees of these persons were authorized to invest in Bank shares by the terms of their trust-deeds, and the persons taking the advantage of the investment must also take the risk; or if the trustees were not so authorized by the trust-deeds, they were personally responsible for any loss which might accrue. On what principle, moreover, was it sought to tax the innocent people of India for these losses? They were said to be responsible for the government of India. But if anybody was responsible, was it not the people of England? They elected representatives in Parliament, who in substance nominated Ministers, who again appointed the Government of India; and the Government of India again nominated certain gentlemen to be Directors of a concern in which the Government had a pecuniary interest. These gentlemen

neglected their duties; and the logical consequence, if followed out, would be that the people of England should be responsible. If any hon. Member thought that a legal, rational, or moral ground existed for such a claim, he ought to vote for the Motion; but he (the Solicitor General) doubted whether anyone would get up in this House and make that claim.

MR. HENLEY said, that the hon. and learned Gentleman who had just sat down had argued the question on legal grounds alone; he (Mr. Henley), however, would remind the hon. and learned Gentleman that the hon. Member for East Sussex (Mr. Gregory) had not put it upon such grounds at all, but had pointed out that if there had been legal grounds to go upon, an appeal would not have been made to that House. He (Mr. Henley) quite agreed that if persons embarked in such concerns, and took profits on ordinary grounds, they must bear the losses; but the question there was, whether, in that particular case, there had been matters so exceptional—so completely exceptional—as to take it out of the ordinary rule? He thought there was, for the following reasons:—In the case of the first Bank charter, which gave powers of issue to the Bank, would anyone suppose that the Government Directors were not at the Board to watch over the issue, and its relation to the currency? They must remember that the public in India looked on Government with a very different eye from the people of England, and attributed a very different degree of responsibility to any matter in which Government had a finger. The hon. and learned Gentleman had illustrated his argument by the Bank of England, stating that it had the same power as the Bank of Bombay. But there would be rather a call out against the negligence of the Government here supposing the Bank of England to-morrow were to omit to publish their monthly return of the specie, and the Government took no heed of it. The hon. and learned Gentleman had further argued that the shareholders were to look to their Directors, and the Government were to look to theirs. But when putting forward that argument he had omitted a very important point—he had omitted the audit which the Government had power to call for, and which they did not call for.

Was that not *lâches*? But was that all? Twice the Bank had got into difficulties, and what did Government do? To prevent great inconvenience, panic, and loss to the whole community, and to the taxpayers of India, they advanced money, and pulled the Bank through. Was that done once? No; it was done twice. And what was the result? If the Government had not done that, the Bank might have been wound up; and the loss to the shareholders would not have been one-half what it had been since. That the hon. and learned Gentleman entirely omitted. There, he thought, the Government had failed. His hon. and gallant Friend below him (Colonel Barttelot) had said that the Government of Bombay had not done their duty, and that they almost threw dust into the eyes of the Government of India, by keeping up the supposition that the concern was a going concern, when, in point of fact, if they had looked into it, they must have seen it was in a dangerous state. Considering how the people of India looked to the Government—that they were led by the *lâches* of the Government into false belief of the solvency of the Bank—he could not but think that the Government was highly to blame, and believing that, he also believed that the Motion of his hon. Friend the Member for East Sussex was a fair Motion, for it had been said—he did not know how truthfully—that the Government took advantage of the state of things, and, to use a common phrase, made hay while the sun shone, and sold a great quantity of Government property at very enhanced prices. Much had been said about the people of India and of England, and it had been asked, why should they be taxed to make good the deficiency? Unfortunately, the saying was too true—

“ Quidquid delirant reges, plectuntur Achivi.”

At the present moment the Government had landed them in a mess with America which they would have to pay for. Therefore, if the Government of Bombay had committed *lâches*, the people of India must suffer for the carelessness of the Government. He could not but think that the Government here had not looked after their own agents, and that they had not taken advantage of the power the law gave them to insist on an audit, and for those reasons he

Mr. Henley

should support the Motion of his hon. Friend.

MR. M. CHAMBERS said, he had listened with some grief to the speech of his hon. and learned Friend the Solicitor General, who had argued this important, national, and honourable case upon strictly legal, but not upon either equitable, humane, or Christian principles. He did not wish to go into minute details, but to lay down an honest and honourable principle which was this—that whenever the Government appointed agents, and gave Government guarantees to persons who had invested their money, when the money was lost they ought to come forward and say—“ You have trusted in us, you have been deceived, and many of you almost ruined; we shall take care that you shall be indemnified.” The history of the case was this—the Bank of Bombay, as he conjectured, was originally a private speculation; but after a certain time it became a partnership between the Government and the private speculators. The Government took a certain number of shares and obtained the privilege of nominating three Directors to look after the interests of the shareholders, in common with the other Directors. What was the result? The poor people who were inclined to put their money in the Bombay Bank said to themselves—“ We are sure to have our interests guarded now, because, substantially, it is a Government Bank.” It was true, according to the nice, comfortable statement of the Solicitor General, that these people had the privilege of choosing their own six or seven Directors; but the result was, that the public and the shareholders trusted to the solidity of the Bank, and believed that they had got Government security for their money, whether invested in shares or lodged on deposit; and the result was, that the shares in the Bombay Bank must have risen, and did rise, to a high premium, as soon as it was known that the Government had joined the Bank and appointed three Directors. The instant the Government joined the Bombay Bank, it became in the estimation of the public a solid, substantial Bank; and the answer of the Solicitor General that these poor investors bought shares under the idea that they would receive 16 per cent, and all such nonsense, had nothing to do with the question. The fact, however, was that many

sufferers were not original shareholders, but had purchased their shares at an advanced price, relying on Government security. He had often heard in the House of Commons, especially from the Chancellor of the Exchequer for the time being, such an expression as this—“What a dreadful hardship has been inflicted, but where is the money to come from to mitigate that hardship?” A great grievance had been inflicted by the impropriety—though not intentional—of the Government, and his answer to the question who ought to pay in this case was more to the point, and more honest—namely, that the money should come from those who inflicted the evil. [*Laughter.*] They certainly ought to pay, and he thanked the Prime Minister for smiling assent to that honest proposition. That smile fairly trumped out the appeal addressed to the House by his hon. and learned Friend the Solicitor General. It had been suggested that India or the district of Bombay ought to pay. If India was to blame, let India pay. But if ruin had been inflicted on these wretched investors by the default of agents of the English Government, they were honourable enough and rich enough to say—“We will pay.” The agents appointed by the Government neglected their duty of auditing the accounts of the Bank, and of seeing that it was properly conducted; and for the consequence of that neglect Her Majesty’s Government were responsible, and he would say the same thing if the present Government were Tories. He did not like to talk shop—namely, to refer to principles recognized in the Courts in which he practised; but to show that Her Majesty’s Government were responsible for the default of the three Directors whom they appointed, he must state the Common Law maxim—that he who did a thing by his agent did it by himself. His hon. and learned and technical Friend, who was an Equity Barrister, said the Government were not at all responsible; but if he went into a Common Law Court he would find that a very different opinion would be entertained of the case. He (Mr. M. Chambers) might be regarded as an impetuous, and sometimes as a romantic man; but he hoped the House would forgive him, if he said that he could come to no other conclusion than this—that our national faith would not be elevated if

some kind of compensation were not made to these unfortunate shareholders, who relied on that faith when they invested their money. This was something more than a common-place Motion; it involved a question of national honour, and should be treated accordingly.

SIR STAFFORD NORTHCOTE said, he could assure the House that there was no intention of treating this case lightly, and that there was no want of sympathy with those unfortunate persons whose case had been brought forward; indeed, in his opinion, those cases required the most serious and tender consideration. The matter was one for very grave consideration not only because a considerable number of persons were affected, but also because it undoubtedly involved to a certain extent the question of national honour, upon which they ought to speak freely and without reserve, and because also there were questions of policy which it was not, perhaps, possible to go fully into then, but which he hoped upon a future occasion would receive the attention they deserved. The hon. Gentleman the Under Secretary of State for India had laid the question before the House in a manner that entirely precluded the necessity of anyone else following him at length, and what he said was said with great judgment, fairness, and ability; but he (Sir Stafford Northcote) felt bound to address the House, because some part of these transactions took place whilst he was at the India Office, and the Commission to which reference had been so frequently made, was issued by the Government of India upon his recommendation, and he wished to explain the views that led to the issue of that Commission. They should look at this matter dispassionately, laying aside for a moment those natural feelings of compassion which they did not wish to stifle, and they should endeavour to see how far the Government of this country or that of India could be held responsible for what had taken place. He did not think that what they had heard about the connection between the Government and the Presidency Banks had given altogether a fair impression upon the subject, for the impression given was that the Government had taken upon themselves a much greater amount of responsibility for the management of those Banks than was really the case. He had no hesitation

in saying that the connection between the Government and the Presidency Banks was a mistake; and he earnestly hoped that the time might not be very distant when the matter would be taken into serious consideration, and when something would be done to remedy it. The matter, however, was one of no inconsiderable difficulty, and its consideration would take some time. But what was the connection? The Government did not only not guarantee the solvency of those Banks, but they had in former times distinctly declined to do so, although the Government certainly did enter into certain terms and conditions with them. It kept its accounts with them, and it gave them certain advantages in reference to the issue of notes; and, moreover, Government advanced a certain amount of capital in the form of shares, and claimed the right of appointing a certain number of Directors to sit at the Board. The Government Directors, however, only constituted about a third of the Directors of the Bank of Bombay. Still, in so acting, the Government did take an important and very prominent position in connection with those Banks, and did to a certain extent incur responsibility in the eyes of the public. Still, he must say that the Government could not be held responsible to its co-shareholders for any mismanagement or fraud in the conduct of those Banks, unless such fraud were distinctly traceable to the action of the Government Directors; but not simply on the ground that the Government Directors, if they had been more active, intelligent, or competent men, might have prevented it. No doubt, it might have been an inducement to take shares in a bank of that description, that it was known that the Government were interested in the conduct of its affairs, and had certain representatives upon the Directorate; and that if those representatives did their duty and were efficient men it would be extremely improbable that any misfortune would arise. He contended, however, that what the Government had done did not amount to a guarantee, or even a moral guarantee against loss. Look at the number of the Government Directors, and the mode in which they were associated with their co-Directors, and it would be seen that this could not be so. If the Government had intended to secure the Bank from going wrong,

Sir Stafford Northcote

would they have been content with having a mere minority among the Directors, or would they not rather have secured a complete control? The source of the mischief that had occurred was trusting men who ought not to have been trusted, and advancing money upon improper securities; and the duty of seeing that those who applied to the Bank for advances were men of substance devolved upon the commercial Directors, who were acquainted with the commercial affairs of the country and the character of those who applied. The Government Directors were not competent to do this. They held important posts in the service of the Government, the duties of which occupied much of their time; and even if they could have devoted all their time to the Bank, they would have lacked competence for this part of the duty of a director from want of commercial experience. Not only were they not competent to judge of a man's commercial character, but their incapacity was well known; and the shareholders had no right under the circumstances to trust to the supervision of men whose time was occupied by their official business, and who could go down to the Bank for only a day or two now and then to see what was going on. They, in fact, had neither the time nor the capability of controlling the management of the Bank. The Commissioners had reported, in extenuation of the want of vigilance on the part of the Government, that the returns sent by the Bank to the Government were of "a delusive character." And from the evidence given by one of the commercial Directors it appeared that he was alarmed a few days after he became a Director, upon the discovery that the Bank was involved in loans to men who had speculated largely; but Mr. Tracy told him "they had better not discuss the subject then, as the Government Directors were only too apt to take alarm." That showed how inclined the commercial Directors were to keep things back; but at the same time, he was far from acquitting the Government Directors from blame in not having pressed to the utmost for the fullest information. People ought to have known that the Government did not undertake the duty of protecting them. The Government held out no such expectation, and the mode in which they exercised their power showed that they did not attempt

to do this, and could not do it. He, therefore, entirely agreed with nearly all that had been said as to the want of due diligence and of the reasonable or even moderate care on the part of those whose duty it was to have watched the affairs of the Bank; and he was not disposed to defend anybody, though, probably, circumstances might be urged in excuse of the conduct of particular individuals. After the wide-spread ruin which the downfall of the Bank had caused, there was a natural tendency to see more clearly the faults which had been committed by those persons; but at the same time, their chief fault seemed to have been want of judgment, and a desire to prevent great calamities which might, as they thought, be averted by supporting the Bank. He was bound to say, further, that in his opinion the conduct of the Bombay Government was very injudicious at that time, and if this were a Motion of Censure upon them, he could not ask the House to free them from their share of blame. But a Motion to commend the shareholders to the favourable consideration of the Government really meant an addition to the taxes of India, and for such a Motion there was no foundation. What were the faults that were charged against the Government of Bombay? One of them was of a rather remarkable character. It was said that a great fault was committed by the Legislative Council of Bombay, in permitting a new Act to pass without inserting the safeguards which had been inserted in a previous Act; but the Government could not be held responsible for all that was done under that Act. To maintain that view would be to lay down a very serious principle, and one that it would be difficult to follow out to its consequences. Stress had been laid on the fact that under the old Bank Act, the Directors were allowed to make advances on shares in undertakings guaranteed by the Government, but that in passing the new Act through the Legislature, the words "guaranteed by the Government" were struck out. No doubt, if those words had been kept in, the advances could not have been made; but it was not because those words were struck out that there was a necessity for the advances to be made; and the doctrine that the Legislature, or those whom they represented, were to be responsible for all that might be done in consequence

of the want of proper precautions, was a doctrine which could not be maintained. He would take, by way of illustration, the relationship between the Government and the savings banks. The House had heard something said about the breaking of the Bank of England, and the right hon. Member for Oxfordshire (Mr. Henley) said he thought the people would make a great stir if the Bank of England did not publish their weekly accounts. They had heard sometimes of savings banks, and they knew that the humbler classes invested in the savings banks, under the impression that because the Government had something to do with them they were quite safe; and they had heard of poor people having lost their all, and then complained because the banks in which they had invested were Government savings banks. And what had been the answer? They had been told that they were wrong. The case of the unfortunate shareholders in the Bombay Bank, however, was not so strong as the case he had put. The depositors in the Bank of Bombay did not lose a sixpence, the Government being responsible to them; but in the savings banks at home it was the depositors who suffered. As to the shareholders in the Bombay Bank, they did not offer to share with the Government any of the advantages they gained from the Bank when things went well, and how, then, could they expect the Government to bear the loss when things turned out ill? There was no charge that the Directors had improperly appropriated money for their own purposes, but that they had made reckless advances upon unsound speculations. They did so, doubtless, in the hope that these speculations were good ones, and there was no reason to suppose that they had not the interests of the Bank at heart. They hoped to do a good, dashing, speculative business, which would bring in large profits. Under such circumstances, it was unreasonable to say that the Government, who never shared the profits, ought to bear the losses. While, therefore, sympathizing with many of those unfortunate shareholders, he was forced to the conclusion that no case was made out for their relief which it was possible to recognize, and it would be equally impossible to make any distinction between different classes of shareholders, such as *cestuis que trust*. The hon. Mem-

ber for Penrhyn (Mr. Eastwick) asked the House to undertake the cost of a prosecution, but the Motion did not raise the question of prosecution. He, (Sir Stafford Northcote) moreover, failed to see that it was a case for a criminal prosecution, and he was afraid it would be a delusion to think that the House could do anything in that way. He therefore thought that the only thing that could be done was to express sympathy for the sufferers. With regard to the allusion that had been made of the keeping back of the Report, he had asked the Commissioners to report on several points, and these being matters of opinion, not of fact, it was found more convenient that they should furnish separate Reports. He had been favoured with a sight of them, for they arrived after he left office, and he could assure his hon. and gallant Friend (Colonel Barttelot), that they contained nothing respecting this case which could have led to their being kept back for a purpose. They touched, indeed, on the matter in illustration of the views of the Commissioners on the future and general policy, but not on the question of compassionate treatment of the shareholders. In conclusion, he must say, that as the discussion would be equally useful to those for whom his hon. Friend had brought the matter forward without a division, which could lead to no practical good, he hoped, therefore, the House would be spared the pain of dividing on the Motion.

MR. BOUVERIE said, he wished to allude to an observation of the Under Secretary of State for India, which apparently propounded a doctrine utterly inconsistent with sound sense, and which he protested against. His hon. Friend said that the House could not entertain this question with justice or propriety, because it would probably involve a heavy payment by the taxpayers of India for the misfeasance of the Directors of the Bombay Bank. It appeared to him (Mr. Bouverie) that such an argument came to this—that whatever might be the misconduct of the Government of Bombay or their agents, involving pecuniary responsibility, they ought not to be saddled with that responsibility, because the taxpayers of India might be obliged to suffer for it.

MR. GRANT DUFF: I never said anything of the kind. I said that such a course might possibly tend to such a result.

Sir Stafford Northcote

MR. BOUVERIE did not mean to quote the precise words of his hon. Friend, but only to show that he argued against the question being entertained on grounds which led unavoidably to such a conclusion. Now that, he (Mr. Bouverie) submitted, was a doctrine which could not be maintained for one moment. The question was a very simple one. Having looked into the matter last year, it appeared to him that the Government of Bombay had incurred a grave responsibility by the misfeasance of their three Directors of the Bombay Bank. Those gentlemen, indeed, did not form a majority of the Board; but they held high and responsible situations in the Government, and as such they ought to have resisted the gambling propensities of their fellow-Directors on the Board, instead of co-operating with them in their monstrous speculations—their gambling—he would almost say swindling transactions. Why did they not inform the Government, and call their attention to what was going on? The main question, however, was, what was the opinion of those eminent officers of State who had the fullest means of acquaintance with the facts of the case, and with the responsibility of the Bombay Government? Now, Lord Lawrence, the Governor General of India, at the time, said in his Minute of the 12th July, 1867, that the circumstances which led to the ruin of the Bombay Bank were the result of the neglect and absence of the most reasonable precautions of the Bombay Government—that if ordinary care had been taken and a proper supervision established, the Bank would have surmounted all its difficulties. Mr. Massey, the then financial Minister of India, writing at the same time, said that in the summer of 1865 the Bombay Bank was hard pressed—her shares had fallen below par—but no sooner was it announced that the Bank was supported by the unlimited credit of the Government, than the depositors brought back the moneys they had withdrawn, and the shares rose to 60 premium. He said that it was in consequence of the action of the Governor General replying to Sir Bartle Frere's application for assistance to prevent the Bank from instant ruin, that the people of Bombay were induced to repose confidence in the Bank, though at that time it had actually lost half its capital. Mr. Massey added, that he did

not think the Government could take any other course at that time, because the Government of Bombay had by their conduct made themselves partners and Directors of the Bank—that the difficulties of the Bank were caused mainly by the unpardonable negligence of the Government Directors, and, consequently, the Government itself must be responsible for the action of its agents or nominees. Whenever the Government took part in such proceedings it assumed the duty of honourably conducting them; and when they were dishonestly conducted, the Government were necessarily responsible. Such responsibility, in fact, formed the unanswerable argument against Government connection with banks, and it was on that account that the Government of India objected to the provincial Governments being connected with banking companies. A Government which accepted responsibility was responsible pecuniarily as well as otherwise, even though the taxpayers would unfortunately be the sufferers, and the remark of the hon. Member for Penrhyn (Mr. Eastwick), that this was analogous to the *Alabama* case was unanswerable. If the Government incurred responsibility, the taxpayers must meet it; and there had never been a stronger case of gross misconduct, imposing on the Government a responsibility which ought to be exacted by this House to the uttermost farthing. He would go further, and say that it was the bounden duty of the Government of India—if they wished to vindicate their own character, and, at any rate, by their subsequent proceedings to set themselves straight with the Indian and the English public—to have prosecuted the men who, as Government officials, had been parties to those swindling transactions. Was it not true that those gentlemen who were placed on the direction of the Bank by the Government of Bombay, to protect the interests of the public and the Government of Bombay, and to see that the affairs of the Bank were conducted in a proper and legitimate way and according to the ordinary rules of business, had put large sums of money into their own pockets, at the expense of the shareholders and the public, by neglecting their duty? A more discreditable series of transactions than was disclosed in those Papers never appeared in any Blue Book, and it was a shame to the Indian

Government that they seemed never to have taken a single step to prosecute those officials, but had left that to be done by the unfortunate shareholders who had been ruined by their gross misconduct. Therefore, he did not think that the Government of Bombay could be acquitted in the easy, airy manner adopted by the hon. Gentleman the Under Secretary of State; for, to judge from the opinion of their conduct expressed by Mr. Prinsep, one of the Indian Council, and a man of great Indian experience and knowledge of business, they were not only parties to those transactions, but had endeavoured to screen those concerned in them as much as they could. Indeed, it would appear that the public, and those who represented the public, had never been able to get at the bottom of those black and flagitious proceedings.

MR. WATKIN WILLIAMS said, he must enter his protest against the Resolution which the House was now asked to affirm. There was a great fallacy in the arguments adduced in support of the Motion, because the position of the depositors and creditors of the Bank had been confused with that of the shareholders. As a lawyer, having some experience of mercantile transactions, he thought that even if all the allegations made to the House that night concerning the Bank were true—and he denied that there was any foundation for the majority of those allegations—still a case was not made out for passing that Resolution. Assuming that the Government of India were partners in those transactions, partners had no right to come there and complain of one another, when they had more than an equal share in appointing the persons who managed the business; and if the shareholders had been defrauded, it was the fault of the Directors whom the shareholders themselves had appointed; and the shareholders were responsible for the acts of their agents. No doubt, a certain kind of sympathy must be felt with those who had been subjected to misfortune; but, beyond that, he protested against sympathizing with shareholders who invested their money in dangerous ventures, and then turned round and asked for assistance, saying they had been cheated. He would say that nothing was safe but the Three per Cents. If people would make investments, in the hope of getting a

return of 5, 10, 15, or 20 per cent, they must look out for themselves; and he protested against paying taxes for those who chose to speculate without a proper knowledge of what they were doing. If the question went to a division, he should vote with the Government.

MR. GLADSTONE said, that speeches had been made that night from which it might have been supposed that that was a case in which the Government of Bombay had borne no liability, and that it was sought by them to throw their own share of liability on the shoulders of the shareholders. That inference might have been drawn especially from the speech of the hon. and learned Member for Devonport (Mr. M. Chambers), who, by the way, had contrived throughout to treat an extremely serious and mournful subject with a degree of hilarity that he had never witnessed on any similar occasion. However, they were all agreed as to the general inexpediency of that connection of Government with banks, and that one of the great objections to such a connection was its tendency to mislead the shareholders. Yet that tendency was not sufficient to exempt the shareholders from their responsibility, and to throw it on the shoulders of the people for whom the Government were bound to act. The responsibility of the Government in respect to the Post Office Savings Banks was distinct and clear; but in regard to many other savings banks, where there were many circumstances which might have had a tendency to mislead, the House had on various occasions when the question was raised there, steadily refused to acknowledge its liability. Moreover, if the present were a Motion to make provision out of the taxes paid by the people of England for the losses sustained by these shareholders, he suspected that very few hon. Gentlemen would be found voting for it; and ought they to deal more severely with the people of India than they would with their own constituents? In fact, if there was any liability resting on the Government at all in that case, considering how completely the Indian Government was a derivation from the will of the people of this country, it was difficult to determine whether that liability attached to the people of this country or to the people of India. Again, it was too much to assume that shareholders were entitled to all the delights of dividend

Mr. Watkin Williams

mounting up to 16 per cent, and then on the strength of vague presumptions to claim the benefits of a Government guarantee. It was said the Government Directors were wrong, and so they were; but the wrong they did consisted in their passive conduct, and they were, moreover, the minority; while the Directors appointed by the shareholders were the active wrong-doers, and also the majority. Was the responsibility, then, to be carried over to the passive minority? The right hon. Gentleman behind him (Mr. Bouverie) had imported into the discussion a new and important element; he had said that the House ought to be influenced by the opinions of the distinguished Civil servants of India, who were upon the spot, and who were conversant with the whole bearings of the subject; and, in particular, he had referred to some remarks of Mr. Massey in relation to the question. [MR. BOUVÉRIE explained that he had not made the extract himself.] He was perfectly certain of that, and he would advise his right hon. Friend not to employ the person who had made it for him again. What his right hon. Friend referred to was this—

“So much I presume must be conceded, although there is no legal liability upon the Government, beyond that which attaches to the other shareholders; but does not this moral obligation rest there? An officer of high rank, the representative of the Government, deliberately asserted the claims of the shareholders to an indemnity at the hands of the Government.”

But his right hon. Friend had not noticed the concluding words of the sentence, which were—“But I am far from admitting that such a claim can be sustained.” The extract should have concluded thus—

“But I do say that it is unseemly and impolitic of the Government to place itself in such a position that a question of this kind can be raised.”

In that view he entirely concurred, and he must, therefore, oppose the hon. Member's (Mr. Gregory's) Motion.

MR. CRAWFORD said, he must protest against the terms in which his right hon. Friend behind him (Mr. Bouverie) had spoken of the connivance of the Government with what he had termed “such misconduct and acts of rascality.” He felt bound to say that persons might search in vain in the concluding words summing up the Report to find anything which justified the application of such

terms to the commercial Directors as a body. One or two names were mentioned, but there was nothing to justify the application of such wholesale terms. He denied that the language used by his right hon. Friend behind him could be justified, and he thought that, as far as the commercial Direction was concerned, it was wholly uncalled for. He had listened with extreme pain to this debate, because he had lived long on terms of intimacy with many of the unfortunate sufferers, and whatever opinions he might entertain, he must say that it would not be consistent with his feelings to pursue the question any further. He fully admitted the hardships that had fallen upon the unfortunate shareholders, but expressed his concurrence in the views of duty taken by the Government.

MR. W. M. TORRENS said, he admitted in the fullest sense that it was the duty of the House to look narrowly to the circumstances of the case, simply with the view that justice should be done; and he also agreed in the danger of laying down a rule that might lead to evil consequences. This, however, was an exceptional case, and without deviating from their usual line of duty, they could do an act of justice. The First Minister had asserted in unqualified terms that, on no occasion had Parliament interposed by its advice in such matters, or that the Government had ever attempted to alleviate the burden of individual losses out of the Public Treasury. The right hon. Gentleman had challenged the production of any precedent; and he had specially noted the frequent refusals of claims made on behalf of local savings banks, whose funds had proved insufficient to pay the whole of their depositors. But the right hon. Gentleman's memory was not infallible; and he (Mr. Torrens) held in his hand a volume of the transactions of that House which would be found to contain a case in point, which the First Minister appeared to have forgotten. After the panic of 1847 many savings banks failed, particularly in Ireland, and in 1850 a Committee was appointed to inquire whether they had any claims upon the Treasury. In the majority of cases the Committee properly decided in the negative; but in one instance they unanimously came to the Resolution that, while they did not admit the legal

right of shareholders in a bank having claims on the Government, they recommended to the favourable consideration of the Government the case of the depositors in one of the banks that had failed, with a view to mitigate, but not remove, the calamity that had befallen them. And the reason why the Committee made that recommendation was because Mr. Tidd Pratt had advised the bank to keep open, after it had found that it was insolvent. That was precisely the case of the Bombay Bank. The House had no business to be humane at the expense of the taxpayers; but it was its duty to be just when Government officers had been guilty of neglect, and had suppressed the truth. If the Bank had been stopped in time the loss would have been less, and the responsibility for that additional loss rested with the Government; and, moreover, the loss incurred by the shareholders up to the time when the unsafe condition of the Bank was discovered, was easily to be discriminated from its state when the final crash came. There was not the slightest doubt for belief in the fact that the Madras, Bombay, and Calcutta Banks were the creation of Government by charter, and they were not private banks; and the Treasury of India having profited by the successful advances and speculations that were carried on by those Banks, they should be held liable for the losses that had occurred. The terms of the charter were altered without giving fair notice to those who were chiefly interested; and the Government, by allowing the Bank to continue open after its insolvency was discovered, made it evident that it was an assenting party throughout of what was done—one change being the repeal of the clause of the charter which provided safeguards when bills were discounted over £7,000 in amount for any firm or individual; and it was not the shareholders, but the Direction and the Government who were to blame for the terrible run that had accompanied the stoppage of this Bank.

MR. T. E. SMITH said, that when he visited Bombay, he was informed by the commercial community there that the Bank had been grossly mismanaged, not by the Government Directors, but by the shareholders' Directors. It had been attempted to confuse the question by representing the position of the depositors and shareholders to be the same.

That, however, was not so. If the depositors had lost their money, no doubt the Government would have been to a certain extent, if not wholly so, morally responsible; but not so with regard to the shareholders. He should vote against the Motion, which he trusted the House would have no difficulty in rejecting.

Mr. BOUVERIE said, he wished to say a word in explanation of the extract which had been referred to as the opinion of Mr. Massey. He certainly should not have brought it under the notice of this House if he had been aware of the context as subsequently read to the House by the right hon. Gentleman at the head of the Government. He ought to have been old enough and wise enough not to depart from his usual practice of making and verifying his own extracts. As it was, he had given it as it was handed to him after his arrival in the House, and he was very sorry that he had done so.

Question put.

The House divided:—Ayes 116; Noes 78: Majority 38.

Main Question proposed, "That Mr. Speaker do now leave the Chair."

LAW OFFICERS OF THE CROWN.

OBSERVATIONS.

Mr. FAWCETT, in rising to call attention to the remuneration of the Law Officers of the Crown, and also to the grave inconvenience arising to the public from their being able to devote nearly the whole of their time to private practice; and to move, That, in the opinion of this House, it is desirable to adopt some new arrangements with regard to the Law Officers of the Crown, with the object of securing for the public the undivided attention of those who are primarily responsible for introducing measures of Law reform, and for tendering legal advice to Her Majesty's Government, said, the subject had been allowed to remain dormant so long that he determined, in deference to public feeling, to call the attention of the House to it; but he wished them to understand that he was in no way actuated by the desire to make a personal attack upon anyone, and more especially upon the Law Officers of the Government. His object was merely to attack a sys-

Mr. T. E. Smith

tem, and not persons; and in proof of that assertion, he would at once admit that the Law Officers of the Crown had done nothing which had not been done by their predecessors, as they had done nothing which would not also be done by their successors, unless Parliament intervened to change the present system. So cumbrous, inconvenient, and ineffective was the present system that the greatest evils arose from it. So far as the House of Lords was concerned, the duties discharged by the Lord Chancellor were so multifarious—he occupied at least four important judicial offices—that there was but little chance of his giving anything like due attention to questions of Law reform, or of his tendering legal advice to the Government on the most important matters, involving in some cases principles of International Law. Turning, however, to the House of Commons, the state of things was far more unsatisfactory; for while the Lord Chancellor in the other House could, as a Member of the Cabinet, give direct advice to the Government, the Law Officers of the Crown in this House, not being Members of the Cabinet, could give advice to the Government only in a circuitous way. Then the Lord Chancellor had the whole of his time occupied with public duties, while with regard to the offices of Attorney and Solicitor General, if the holders of these offices were accomplished lawyers and great orators, briefs fell rapidly in upon them, and by the etiquette of the Bar either the Attorney or the Solicitor General became the leader in any case in which he was engaged; and the leader in a great case, as everyone knew, had all his faculties engaged, and quite enough to occupy his time, however strong he might be, either physically or mentally. It happened, therefore, when both these Law Officers were eminent in their profession, that all the time they had for discharging their public duties was what was left after their services had been competed for by rival attorneys and clients. At the present time both the Law Officers of the Crown, fortunately or unfortunately, occupied high positions. It was, however, notorious that when a Law Officer of the Crown was appointed who had not much private practice—as had been the case sometimes—his public duties were found so multifarious and so engrossing that he

had quite enough to do to discharge them without attending to any private practice at all. The Attorneys and Solicitors General were primarily responsible for introducing measures of Law reform to the House of Commons, and there was no country in the world whose legal system was so complicated as ours, or in which the process of obtaining justice was so dear and so slow. Why, only yesterday, the hon. and learned Member for Taunton (Mr. James) declared to him, that if a merchant of the City of London had a suit at Guildhall he would guarantee, by using the delay which the law placed at his disposal, to prevent the case from being decided for four years. It often happened in civil suits for the recovery of a sum of money that far more money than the sum in dispute was rapidly consumed in legal costs, and the parties found that they were only engaged in throwing good money after bad; and the feeling that that was so had spread through the country, and acted as a sort of premium upon fraud. In addition to that point there were great legal reforms waiting for accomplishment, and until they were carried into execution every man, woman, and child in the country might be considered to suffer. Why, on Wednesday last the Attorney General stated that the laws of this country relating to the property of married women were more worthy of a barbarous nation than of a civilized one; and it would not be difficult to prove that if a lawyer would devote himself to making the conveyance of land cheaper, more simple, and more expeditious—even looking at the subject from an economical point of view—a greater advantage would be conferred upon the country than would result from a free breakfast table or from a remission of the income tax. What chance would there be of passing any great Government measure if those who were responsible for the preparation of such a measure had nearly the whole of their time absorbed in other pursuits? The passing of the Irish Church Act was mainly due to the mastery of detail and perfect knowledge of the subject displayed by the Prime Minister; but if the Premier had been less completely master of the subject, they would have got into a state of inextricable confusion, and the Bill, very possibly, would not have been passed at all. But the Prime

Minister was eminent for his financial skill; and if he gave up that skill to be competed for by rival mercantile companies, what chance would there be of his ever introducing another great measure into that House? If, then, it was thought absolutely intolerable for the head of any other Department to give up nearly the whole of his time to other business, he did not see why such a thing should be less intolerable on the part of those who were at the head of the Bar. But that was not the strangest part of the case. The Law Officers of the Crown were primarily responsible also for tendering legal advice to Her Majesty's Government, and there was scarcely a measure ever introduced into the House by a Government which did not contain some difficult legal questions, in dealing with which legal advice was required. But at any moment the Government might be deprived of the assistance and guidance which they should obtain from the Law Officers of the Crown, who might find their whole time and energies absorbed in some private suit. The Prime Minister had admitted to the House that the *Alabama* Treaty was not even submitted to the Law Officers of the Crown; probably, the right hon. Gentleman had too kind a heart to put the additional strain on men who were so overworked. And what had happened this Session in dealing with the Ballot Bill? Why, in many cases, where the House had wanted a legal interpretation of some clause or Amendment, they had obtained assistance from the Solicitor General, who, when he had risen, had only made confusion more confounded. It was, however, not only with regard to Government measures that complaints might be made, for on Wednesday week, when the measure introduced by the hon. and learned Baronet the Member for the county of Clare (Sir Colman O'Loughlen), relative to the mortmain laws, was under discussion, there were no Law Officers of the Crown present to give the House an authoritative opinion as to its legal effect; and on turning to *The Times* of the following day, he (Mr. Fawcett) had found that the Attorney General had been engaged on that occasion in the Court of Queen's Bench, arguing a case of "*Skinner v. Usher*," connected with the hiring of a cab from a railway station, which arose out of a cumbrous

and invalid Act conflicting with other Acts, which was passed in 1869, when the hon. and learned Gentleman was one of the Law Officers of the Crown, and which no ordinary mind could understand. Thus the Attorney General and the Solicitor General were so absorbed that they could not give proper attention to Acts passing through the House; and in consequence of the wretched way in which statutes were drawn, long and expensive law suits resulted, in one of which the Attorney General was engaged at the moment when he ought to be in the House giving legal advice to hon. Members. What security had they that another *Alabama* case would not arise, if the Law Officers of the Crown were absorbed in private business? Again, it was equally unsatisfactory that the Law Officers of the Crown should be practising barristers, and, at the same time, to some extent, public prosecutors. Two years ago a serious question presented itself to the Government, who had to decide whether they could prosecute in the case of the directors of Overend Gurney and Co., and, at that time, their Solicitor General happened to be retained for the very persons against whom the prosecution, if it had been commenced, would have been directed. It was scarcely necessary to refer to a recent trial, which had occupied attention for many months, but that presented the reverse of this case in a striking manner. The Attorney General, who was the counsel engaged against the Claimant, now came forward as the adviser of the Government to prosecute the man, and spend an incalculable sum of public money in the prosecution. The consequences produced in the country were very mischievous. When the Government came to that House and asked for the money they required, they would find that much discontent existed in regard to the expenditure; not because the money was grudged, but from the peculiar relations of the Attorney General with that case, the public had got an idea that there had not been exactly fair play. No one, probably, would regret more than the Attorney General that that feeling should have arisen; but as when engaged in the case, he had found it necessary to brand the Claimant with every opprobrious epithet the dictionary contained, commonplace people thought hardly satisfactory that he should

afterwards become the prosecutor on behalf of the Government and the nation. The present system, moreover, could not be defended on the score of economy. By a Treasury Minute, lately issued, the Attorney General received £7,000 and the Solicitor General £6,000 a-year, simply as retainers, and were to have 20 per cent more for contentious business; and if that Treasury Minute were not severely scrutinized, hon. Members would have to tell their constituents that the fine promises about economy uttered at the hustings were idle words. It was an aggravation of the grievance to say that the salaries of the Law Officers of the Crown were simply paid out of patent fees, because these fees were the most obnoxious and unjust form of taxation which could be levied on industry. He held that the country did not obtain an adequate return for the money spent in that direction. The Law Officers of the Crown were paid higher salaries than the Prime Minister and the Secretaries of State, whose time was wholly at the disposal of the public; and he had no doubt that eminent lawyers could be induced to devote themselves entirely to the public service for smaller salaries than was generally supposed. The legal Member of the Legislative Council of India received £8,000 a-year, and most persons would admit that that was not so tempting as £5,000 in this country, yet there had been no difficulty in securing eminent jurists for that post—among them Lord Macaulay, Sir Henry Maine, and Mr. Fitzjames Stephens, the last of whom had as yet only held the office three years, but had already introduced more comprehensive measures of reform than any one could hope to see introduced in England in double that time. If he was asked what system he proposed to provide for the present one, he would say that in the first place, it was most important that the judicial and political functions of the Lord Chancellor should be separated. In the House of Commons, moreover, what they required was a Minister of Justice, who should be at the head of the Department of Law and Justice, primarily responsible for measures of Law reform, always ready to give a legal opinion on legal questions arising in the House, and whose whole time should be devoted to the public service. Such an officer might receive a salary of £8,000; but

even if it were fixed at £10,000, he believed it would be the cheapest money ever voted, if it secured them the services of an eminent lawyer as Minister of Justice. It might also be arranged that the holder of the office would, after a certain number of years, be appointed to a judicial post, or to a seat in the Supreme Court of Appeal. As to the duties in Court now discharged by the Attorney General and Solicitor General, arrangements might be made to retain certain counsel when the Government had to appear in Court, just as was done by the Government of India, by the Bank of England, and most great corporations, and it would probably be an advantage that such counsel should not be Members of the House of Commons. He would not further detain the House, except to say that he hoped this question would soon be taken up by some lawyer of eminence; but, if not, it was too important to be let drop, and he promised that he would pursue it with persistency and perseverance. A great authority had declared that the well-being of a community might be estimated by the extent to which justice was cheap and expeditious; but on that ground assuredly, England could not be pronounced at that present moment as ranking among the most happily situated nations in the world.

THE ATTORNEY GENERAL: * Mr. Speaker, I have thought it best to interpose thus early in this debate, not at all because I wish to render it a personal matter, but because I have really no interest or desire whatever but that the House should have, as soon as may be, the best and fullest materials before it upon which to form the judgment it is invited to express to-night. Of the tone and temper of my hon. Friend the Member for Brighton (Mr. Fawcett) I will not say a word. It is a most important question, I admit, which he has taken in hand—more practically important, perhaps, than he or anyone who has not been engaged in actually working the machine of the Executive Government can appreciate or understand. It is a matter also well worthy the attention of the House of Commons how best to secure the highest legal ability for the service of the country, that in time of war and tumult the Executive Government may have the soundest counsels to direct them; and in time of peace may

have those changes suggested to them which the law of England is always needing; but which, unless they are wise and thoughtful and well-instructed changes, often, in a complicated and unscientific system like our own, create more evils than they destroy. Sir, I will not say that my hon. Friend has not taken the trouble, but he has not succeeded in informing himself accurately of the state of facts; and his speech has been made, and the language in which his Motion is clothed, has been chosen, under a complete misconception. He says, in effect, that grave inconvenience had arisen from the Law Officers of the Crown being able to devote almost the whole of their time to private practice—a statement which assumes that they do in fact so devote it. Nor does my hon. Friend stand alone in this matter. My hon. and learned Friend the Member for Oxford City (Mr. Harcourt), made a striking speech in the provinces last autumn, which he was good enough to send me, and which it became my pleasure as well as duty carefully to read. The speech was a most useful one; for it put into popular language and rendered generally accessible a scheme of the Judicature Commission, which was entombed in a Blue Book read by very few, but which, adopted and rendered popular by my hon. and learned Friend, was no doubt read by many more. But my hon. and learned Friend contributed some original matter of his own; and he stated, if I recollect the expression rightly, that the Law Officers of the Crown are accustomed “to pack away”—that, I think, was the phrase—the Public Business of the country into those nooks and corners of time which a large or moderate private practice may leave undisposed of. Now, nothing can possibly be less founded in point of fact. And though I am sure neither of my hon. Friends intended it, I ask the House and I ask them to consider how grave an imputation they make not on me and the Solicitor General only, but on the long line of distinguished—some of them really illustrious—men, who have been our predecessors—men, I dare to say, as upright, as high-principled, as honourable, as ever adorned any profession in the world. It is a great honour, I suppose, to fill these offices; it is, I am sure, a far greater responsibility; and no man of common character who

takes them does, or can, or would dare to "pack away" into corners of his time the great and heavy duties which he has undertaken, to be discharged at hap-hazard and chance-medley fashion, in the intervals of his professional labour. I can assert, for my own part, that it is not the fact. I know that the work of these offices has not been well done by me—no man knows it better; but it has not been from want of will, but from want of power. The work may have been done badly, but it has not been done carelessly, it has not been done indolently, it has not been subordinated to my private practice. I can say the same, I am sure, for Sir Robert Collier, with whom I served so long and so happily in office. I did not serve with Sir John Karslake; but I have the honour of his private friendship, and I know I can say the same for him. I have not the honour of the private friendship of Lord Cairns; but I have often heard, and I believe, that he strictly and sternly limited his private practice during all the time he held office as a Law Adviser of the Crown. If I do not mention my hon. and learned Friends the Solicitor General and the Member for Richmond (Sir Roundell Palmer), it is because they are in the House, and can speak—if they please it—for themselves. The foundation of fact, therefore, on which the Motion of my hon. Friend rests, fails him altogether. Sir, I had hoped to discuss this matter without any personal topics being introduced into it. But the speech of the hon. Member for Brighton does not allow me to pass by altogether some such matters; and I allude to them because character is precious to every man, and because in an Assembly of Gentlemen, the character and conduct of even the humblest Member of it can scarcely be considered a matter to which any other Member is indifferent. As to what the hon. Member has said of my connection with a late great trial, and the prosecution arising out of it, the House should recollect that I had no choice as to accepting the conduct of a prosecution, ordered by the Lord Chief Justice under an Act of Parliament, and directed by the Government, without any reference to me. And what has been sacrificed during the progress of a trial utterly unparalleled—I believe, at least, in England—is not the Public Business, which I have done to the best of my

The Attorney General

ability, but the whole, or almost the whole, of my own private practice. I am sorry my hon. Friend has adverted again to the case of Overend and Gurney. We have had that matter out before, and I do not desire to recur it. He knows that I was engaged in that case 18 months before I took office, and that upon no rule, whether of his devising or not, could I, as matter of common sense and honesty, have done otherwise than as I did. As to the case of Skinner and Usher, to which he has somewhat bitterly alluded, I appeared in that case as Counsel for the Treasury, and argued it as Attorney General. Unless he desires to prevent an Attorney General from appearing in Court for the Government, I am unable to understand what he means. But I must protest against his notion that it is the duty of the Attorney General to draw or to scrutinize the Bills which a Government Department passes for the regulation of the cabs of London. One word only as to my present position. When the change as to the payment of the Law Officers was in contemplation, the Government were kind enough to consult me upon it, telling me that in any event it was not to be applied to me, as I had taken office on other terms. I proposed some modifications in the scheme of the Government, and desired that if they were adopted, the scheme might be at once applied to me, not thinking it proper to suggest for another man what I would not accept myself. The Government, no doubt for good reasons, declined to adopt my views, and so the matter remained upon the old footing. These, then, being the general and personal conditions on which we have to argue, what is it that you want? You want the very best and most eminent men in the profession who can obtain a seat in the House of Commons. I am stating the question in the abstract; and it will be no answer to me to say that in this, that, and the other case, you have not got what you desire. I know that well enough. But this is what you aim at. And you want not merely a clever man, you want a man of ascertained position and considerable experience. Remember that he has to advise the Government and the House itself on subjects of which the importance cannot be overstated; so that he must have judgment, which, as a rule,

is the result of experience and the growth of time, and he must have an ascertained and great professional position, so that he may not be overborne by the weight of greater authority in the House itself when he is called upon to speak on legal subjects; as to which, if he does his duty, he will always remember that it is a real opinion, not a party argument, which the House is entitled to expect at his hands. Furthermore, he has often to bring in and to conduct through Parliament Bills of a purely legal character; and for this and in order to legislate with effect, and to do good rather than harm, he ought to have at least a competent knowledge of practice, and a competent acquaintance with the system with which he undertakes to meddle. Now, to discharge with any degree of effect these great and delicate functions, it would never do to have men unknown to the profession, nor men without great business in it. It is probable such men would not be fit, in point of fact, for the duties of office: it is certain that they would be thought unfit; and, as a general rule, the men at the head of the profession are there because they deserve to be there. I know there are exceptions. Some men not fit for it attain success by luck; some men fit for it fail of it from ill chance. But as a general and rough practical rule in the law, as in every other intellectual profession, success is the test of merit. You must have, then, for the reasons I have given, these successful and distinguished men, if you can get them, to fill the posts of Law Officers of the Crown. They will be men, in most cases, with no private fortune to begin with, who are striving to make one, but who have made no large provision for their family, and who simply cannot afford to relinquish practice. My hon. Friend proposes that on acceptance of office they should be compelled to do so. I tell him that if he hopes to get the great men in the profession to accept these offices, his proposition is utterly unpractical; it is not disrespectful to him, because he is speaking on a matter of which he has no practical experience, to tell him that his proposition is absurd. There have been, since the accession of William IV., 20 Attorney Generals; the Solicitor Generals have been more numerous; so that little more than two years is the average duration of the office. Is it not absurd

to suppose that a man at the head of his profession would give it up for an office so precarious? Would a great physician, or a great engineer, or a great attorney, think of doing so to become the physician, or the engineer, or the attorney to a Government, and to lose his office when the Government lost theirs? The notion is absurd. But with us at the Bar, business is even more fleeting and precarious than with the professions I have referred to; and yet, even as it is, large sacrifices have to be made. I speak with more knowledge of common lawyers; but I believe the same is true of those men who practise in Courts of Equity. A common lawyer gives up his circuit and large classes of his private practice which he never can resume. If he holds office but for six weeks, he never can go back to the practice he has left. But even the business we retain suffers not a little. A Law Officer, it is known, may be called away at any time by the public service, and cannot refuse to go. Those who employ him do not believe that he packs away the Government Business into odd corners of his time, and they rightly and properly go elsewhere. As it is, a man continues in the profession, and when he leaves office, if he has anything in him, his business generally, to some extent, revives. But if a man were absolutely cut off from all practice in his profession for private clients for three or four years, I believe that any man's business, however great or powerful the man might be, would be utterly destroyed. It must be remembered, too, that at the Bar the conflict is very close, and the differences between man and man are often very slight. A man in business can perhaps maintain his position now; but let him quit it for three years or so, and new connections are formed, not easily displaced, and his former position, if he strives to return to it, he finds to be filled by a man always, perhaps, equal to him, and now, owing to three years' disuse by the Law Officer of general practice, really his superior. These last words suggest a consideration which ought not to be omitted. It is a bad thing for the public service to withdraw a lawyer who is to serve the public from general practice. A man who is withdrawn from general competition and is confined to one class of work, becomes almost inevitably inferior in knowledge

and in influence to the man whose practice and competition and studies remain varied and general. I know if office had been offered me on terms like those proposed by my hon. Friend, I should have positively declined it. As it was—will the House forgive me these personalities?—I lost between a third and a-half of my private practice by taking office; and I am confident that men much fitter than I for office would absolutely decline it on such terms as these. I doubt if my hon. Friend would find that he was a good economist for the country if the best men in the profession of the law declined its service. Sir, it may be said that I have omitted one great inducement to the acceptance of these offices—namely, that they are the natural avenues to the Bench. It is true that I have done so, and I have done so on purpose; and I will tell you why. I pass by the fact that to many men—and those I think the best men—for many reasons, some of which it might be invidious to mention, the Bench is not the same object of desire which it was some 30 years ago. But I wish to draw pointed attention to the fact that these offices are not now the only, no, nor the more usual avenues to the Bench. The Bench has been so largely increased of late years in point of number, that almost every man of fair ability and moderate success is sure in his turn if he cares for it, to secure a seat upon it. I am not, however, content to rest on general statement; I challenge inquiry into the facts. And the facts are curious. There are now 30 Superior Judges, from the Lord Chancellor at £10,000 a-year, to the Judge of the Admiralty at £4,000. Of these 30 Judges, only eight have ever been either Attorney or Solicitor General. Of the whole number, only 13, including these eight, have ever been in Parliament at all. If you take in retired Judges, there are four ex-Lord Chancellors who have held office, against six ex-Judges who have not. So that the House will see I am justified in saying that if the Bench is what a man desires, he is even more likely to attain it by remaining out of Parliament and declining office, than he is by entering Parliament and accepting it. Sir, my hon. Friend has used the stock argument of the salaries of our great statesmen; but there is no real parallel between Law Officers and

The Attorney General

ordinary statesmen. The statesman on taking office, it must be remembered, as a rule, gives up nothing. He is making nothing by his statesmanship; and though I do not suppose that one public man in a hundred ever thinks of it in that connection, he actually gains the moderate income which his office brings him. Besides, a man who devotes himself to public life is, as a rule, a man at ease in his fortune: he has inherited one, or he has made one, or he will succeed to one, or he is in a position to be indifferent to one; and making money by politics is, happily for us, not a common, nor, speaking generally, a successful line of life. In all these matters, the lawyer is in a different position. As a rule, he is a man to whom money is not indifferent: he begins from little or nothing; he is many years before he makes anything; his time of great practice, at least at the Common Law Bar, is generally short; and the fortunes which common lawyers, at any rate, can make from the practice of their profession is generally moderate indeed. Moderate, I am sure it is, compared to that which many men enjoy who seem to grudge the lawyers their success, and are never so happy as when carping at their gains, and suggesting all manner of ill-natured thoughts as to their conduct and their character. The House will forgive me for saying these things, because I know they are true, and because the House ought to know them too. I am not ashamed of my profession; I glory in it; but I should be ashamed of it if we were the sort of fellows, and led by the sort of motives, which and by which the vulgar gibes of our detractors endeavour to make out we are. So much for the inconvenience which results from our private practice, and for the possibility of cutting us off from the practice of our profession. But there is another matter, wholly different from this, and, as I think I shall show, quite unconnected with it, on which, speaking as I ought to do, not as an advocate, but as a man of experience, and giving, as I ought, information to the House, my hon. Friend appears to me to have much more to say. I cannot, and I will not, contend that the prospects and condition of law reform are what they ought to be, and what I earnestly wish they were. But it is not the private practice of the Law Officers, but other matters of a very

different nature, which bring about the present unpromising state of things. The Law Officers are not Members of the Cabinet; and, except on points of law incidentally arising, they scarcely ever attend its deliberations. Law Bills are generally, not always, initiated by the Lord Chancellor, and the Law Officers are by no means, as a rule, consulted upon them. We have now, indeed, a Chancellor, between whom and the Law Officers, ever since I have known office, there has been personally the most cordial feeling—a Lord Chancellor whose political opponents even respect and regard him as a man of blameless life and winning character, and who, I suppose, has not an enemy in the world. But it has not always been so. The constant differences between Chancellors in the other House and Law Officers in this are of very recent memory. There is nothing in the nature of things to prevent their recurrence; and, indeed, the greater independence of the times in which we live, and the more free expression of opinion which is usual amongst us, render a wide divergence of opinion more and more likely to arise between men often so widely separated in age and in position as the Lord Chancellor in one House and the Attorney and Solicitor General in the other. It would not be possible now-a-days for an Attorney General, with any sense of self-respect or regard to the opinion of the profession, to support a legal measure which he did not approve, and as to the scope and object of which he had been allowed no sort of influence. It is not often that the Law Officers are called upon to originate legal measures; and if they do, time and opportunity are too generally wanting to carry them through the Houses of Parliament. And yet there are great subjects before the very feet of any man filling my position, and with the power to deal with them, which might, indeed, be handled with enormous public advantage. Once before this Session I have mentioned the subject of an English Code, the object of every reasonable man's desire, and which ought not to be so difficult to attain. But short of the great subject of an English Code, there are the Criminal Law and its administration, the Law of Evidence, the Law as to Jurisdictions, the Law of Written Pleading, the Law of Entail, the union of the two systems of Law and

Equity—above all, the Appellate Jurisdiction of the House of Lords. These, and the like of these subjects, need handling without delay. They must be handled by a lawyer; but it is not easy for a Law Officer, as to matters so important, and standing as he does, external to the councils of the Government, to take them in hand or to prosecute them with effect. Something, however, has been done, even since I took office in 1868, to show that we are not altogether idle. The Bankruptcy Bill, which I have always felt, owing to the fact that the Chief Judge under the Bill was very soon afterwards appointed Vice Chancellor, has hardly had a fair trial; the Law of Naturalization, the Foreign Enlistment Act, the Law of Master and Servant; these, and other measures, are measures which I can look back to with some degree of satisfaction. But I think that if he is fair and candid, my hon. Friend the Member for Brighton must needs admit that one great, and just now, perhaps, well-nigh insurmountable difficulty in the way of law reform is the strongly political character of the House of Commons, and the far greater interest felt on both sides of the House in party struggles than in legal questions. Why, the other day my hon. and learned Friend the Member for Richmond, with his great position in this House, with all the weight of his character and the power of his eloquence, could barely keep alive a House of 40 Members to discuss the important subject of Legal Education, while every minute detail in the long roll of the clauses of the Ballot Bill has been fought over for hours upon hours, and decided upon in full divisions by eager partisans. Sir, there is another matter which it would be disingenuous and unmanly if I were to pass by in silence. It never ought to be forgotten that obstruction to law reform does not depend only on the temper and constitution of the House of Commons. We must remember always that there is another House of Parliament, where, in the hands of noble and learned Lords, Law Reform has before now been turned into a party question, and the struggle, at least to bystanders, has seemed to be, not so much as to what is to be done, as to who shall do it. No candid mind, I think, can refuse to see that of all the difficulties which lie across the path of the law reformer, this is, perhaps, the

greatest and most lasting. Sir, I thank the House for the patience with which it has heard me. I hope I have not shown myself a foolish optimist as to the position and character of lawyers in this House or out of it; still less, I hope, have I descended to any poor and whining apology for my own shortcomings. But I oppose the scheme of the hon. Member for Brighton because I am convinced it is unpractical, unfounded in point of fact, and likely to be mischievous if put in practice, because, I am sure, if it ever became the rule, it would lower the character of the profession and weaken the power of the Executive Government.

MR. PERCY WYNDHAM said, there was great justice in the complaint of the hon. Member for Brighton with regard to the frequent absence of the Law Officers of the Government from the discussions in that House, for he himself had noticed that their attendance in that House was not nearly so regular as it was 10 years ago; and although believing the Tichborne claimant to be one of the greatest impostors ever known, he thought it was to be deprecated that the leading counsel against the claimant in the late civil suit should be employed to prosecute him in the forthcoming trial. In short, it appeared that the intention was to persecute as well as prosecute him.

THE SOLICITOR GENERAL said, he should think himself unworthy of the office he held if he did not serve the Government to the best of his ability. There was nothing so disagreeable as to discuss a personal question of this kind; but it was an untrue statement, so far as he was concerned, for any man to assert that he devoted himself to private practice to the prejudice of the duties of his office. The truth was that when office was offered to him he decided on giving up, and had actually given up, more than two-thirds of his private practice. No inconvenience arose to the public as far as he was concerned from his attention to private practice, because he had made it a rule to give a preference to public business. His private practice did not occupy half his time, and certainly his official duties could not be discharged if he devoted the greater portion of his time to private practice. His hon. Friend had an erroneous idea of the true position of

The Attorney General

the Law Officers of the Crown. The initiation of law reform did not rest with them, but with the Cabinet, and it was their duty to give assistance and advice when asked for it. The real reason why law reform did not progress was that important political measures left no time for law reform. Important measures of law reform had been prepared and printed and laid aside in former Sessions, and it would be useless to suggest new measures until the old ones had been disposed of. The duty of a Law Officer of the Crown was to act as counsel for the Crown, and to conduct its litigious business in the Courts, and in order to be qualified to do this he required continuous practice—to advise the Crown and to assist in legislation.

MR. VERNON HARCOURT said, he wished his hon. and learned Friend the Attorney General had adhered to his professed intention to argue the question upon general grounds, instead of introducing personal considerations. As a member of the legal profession he desired to protest against one phrase used by the hon. and learned Gentleman when he spoke of the distinction between Law Officers of the Crown and other political Ministers accounting for the difference in their remuneration. He said that no man could occupy a great office of State who did not possess an independent fortune. He hoped that was not true, for such a statement was one of the most mischievous and revolutionary that could go forth from the Treasury Bench. The hon. and learned Gentleman said men who were not lawyers did not enter the House to make money by statesmanship. On the part of the legal profession he protested against that profession being made an exception to the rule, and he protested against the statement that there was any class who entered the House to make money by statesmanship.

THE ATTORNEY GENERAL, in explanation, said, the distinction he drew was between persons who gave up professional practice and persons who gave up nothing.

MR. VERNON HARCOURT, in continuation, questioned the statement that a Law Officer of the Crown could not return to the practice which he had abandoned on taking office, and said that if the Attorney General left the

public service his services would immediately be in great requisition. Another protest he had to make was against the Solicitor General's disclaimer of the responsibility of the Law Officers of the Crown for the initiation of law reform. True, they did not belong to the Cabinet; but, if they were not responsible, from whom would the House of Commons receive the views of the Government on the question of law reform? In the speech of his (Mr. Harcourt's) which had been so severely criticised, by which he certainly never meant to give offence, he ventured to suggest that there should be a Member of the Cabinet specially charged with the question of law reform; and if there were, the House would not witness the spectacle of the two principal Law Officers of the Crown getting up and washing their hands of all responsibility of it. Did not that account for the melancholy collapse with respect to law reform, which had been witnessed during the last four years? Measures with the object of reforming the laws were brought into the House of Commons, and they were cold-shouldered by the Attorney and Solicitor General of the day, who said—"It is no child of mine." Now, he considered that the first duty of the Law Officers of the Crown ought to be to attend to legislation in that House, and he himself, if no one more competent would undertake, would pledge himself to call attention before long to the whole condition of law reform in this country which at present afforded a spectacle of legislative impotence which reflected discredit on both Houses of Parliament.

MR. LOCKE must take occasion to say that his experience led him to believe that, while there was a great deal of cry about law reform in this country, very few in reality seemed to want it. His hon. and learned Friend who had spoken last but one talked a great deal about the subject, but he did nothing. The hon. and learned Gentleman was one of those who sought to set everybody right; but it would, he thought, be as well if he would first right himself. If he would only do something worthy of his great abilities in the direction of law reform the House, he had no doubt, would entertain a better opinion of him than it did at present.

MR. NEWDEGATE said he would point out, as one of the reasons why law

reform had of late made no progress, that the Government did not seem disposed to proceed on those old constitutional principles on which alone the country desired that any such reform should be based.

Main Question, "That Mr. Speaker do now leave the Chair," put, and agreed to.

SUPPLY—considered in Committee.

Committee report Progress; to sit again upon *Monday* next.

TRAMWAYS PROVISIONAL ORDERS CONFIRMATION (NO. 2) BILL.

On Motion of Mr. ARTHUR PEEL, Bill to confirm certain Provisional Orders made by the Board of Trade under "The Tramways Act, 1870," for the construction of Tramways in the Metropolis and certain parts of the counties of Middlesex and Surrey without the Metropolis, namely, Kew and Richmond, London Street (Saint Pancras Lines), Tottenham and Edmonton, Uxbridge and Southall, and Ealing and Brentford, ordered to be brought in by Mr. ARTHUR PEEL and Mr. CHICHESTER FORTESCUE.

Bill presented, and read the first time. [Bill 147.]

TRAMWAYS PROVISIONAL ORDERS CONFIRMATION (NO. 3) BILL.

On Motion of Mr. ARTHUR PEEL, Bill to confirm certain Provisional Orders made by the Board of Trade under "The Tramways Act, 1870," relating to Aldershot, Birmingham (Corporation), Sheffield (Corporation), Southwold, and Halesworth, ordered to be brought in by Mr. ARTHUR PEEL and Mr. CHICHESTER FORTESCUE.

Bill presented, and read the first time. [Bill 148.]

House adjourned at a quarter before Two o'clock, till *Monday* next.

HOUSE OF LORDS,

Monday, 6th May, 1872.

MINUTES.]—SELECT COMMITTEE—Appellate Jurisdiction, *nominated*.

PUBLIC BILLS—*First Reading*—Reformatory and Industrial Schools (No. 2)* (98).

Second Reading—Pensions* (93).

Report—Royal Parks and Gardens* (79); Church Seats* (97).

PACIFIC ISLANDERS PROTECTION BILL.
MURDER OF BISHOP PATTESON.

EXPLANATION.

THE EARL OF KIMBERLEY said, he wished to make an explanation in reference to a few words used by him on Friday evening, when moving the second reading of the Pacific Islanders Protection Bill. He was understood to have said that the commander of the *Rosario* had fired on the Natives in the Island of Nukapu in order to avenge the death of Bishop Patteson. That statement was not correct. The commander entirely disclaimed the idea that he went to the island to avenge the death of Bishop Patteson. What occurred after the arrival of the *Rosario* was stated to have taken place in consequence of a poisoned arrow from the shores having wounded one of the boat's crew. The Papers on the subject would shortly be laid before the House, and their Lordships would have an opportunity of arriving at their own conclusions.

TREATY OF WASHINGTON.
TRIBUNAL OF ARBITRATION (GENEVA).
THE INDIRECT CLAIMS.
ADDRESS (EARL RUSSELL). POSTPONEMENT
OF MOTION.

EARL GRANVILLE: My Lords, before going to the Orders of the Day I hope your Lordships will allow me to renew an appeal I have already made to my noble Friend (Earl Russell) whose Motion stands first on your Minutes. Your Lordships will remember that last Monday my noble Friend postponed his Motion till to-day, in order to give your Lordships time for more consideration. Your Lordships will not have forgotten that on Thursday I stated to your Lordships that we had received from Mr. Fish an answer to my Note of the 20th of March. I described the character of that answer; and I also added that although I could give no positive assurance to the House, yet Her Majesty's Government had grounds for hoping that a settlement would be arrived at which would be satisfactory to the country. At that time, my Lords, I acknowledged the great forbearance shown by this House—and certainly I might have added the great forbearance which the House of Commons had also shown—and I expressed a hope that for a short time

longer that forbearance would be extended. I had some hope that my noble Friend (Earl Russell) would give an intimation that he intended to postpone, at all events for a few days, the Motion of which he had given Notice. I appealed to my noble Friend in private, as I now do in public, not to press his Motion to-day. My Lords, it is a very painful thing for me personally, as your Lordships will understand, that there should be a Motion on your Minutes in the name of my noble Friend that Motion being a Want of Confidence in Her Majesty's Government. I may add that it is also extremely painful that such a Motion being on the Minutes of your Lordships' House, I should be in the position of trying to have that Motion postponed instead of being in a position to encourage its being brought forward at the earliest possible moment. But we are dealing with a very large and a very important question of an international character, and personal feeling is entirely out of the question. It is our bounden obligation to act as we think our public duty requires; and therefore I do not scruple to tell my noble Friend that in my opinion, and in the opinion of Her Majesty's Government, it would be adverse to the public interest that the matter should be discussed to-day, when your Lordships have not got that information which the Papers that must be in a short time presented to your Lordships will give, and also when Her Majesty's Government, through a sense of duty, would be prevented from taking a full part in the debate. My noble Friend has been good enough to answer me that it is already announced that this House will adjourn on the 13th of this month and will not meet again till the end of the month; and he remarked that a fortnight after the latter time has been appointed for the meeting of the Arbitrators at Geneva. Your Lordships will remember that on Thursday a noble and learned Lord opposite (Lord Cairns) put a Question to me as to what day I could fix for laying the Papers on the Table, or making a statement. He asked that Question without Notice—under the circumstances it would have been impossible for him to give Notice—I answered—what indeed was obvious—that in negotiations of this sort it was impossible to specify the exact day on which we should be prepared to make an announcement

to Parliament. My Lords, I believe your Lordships did not think that was an unreasonable answer. On the other hand, I do feel that it was not a mere phrase when I thanked your Lordships for the forbearance you have shown. But there are limits to that reticence which we think it our public duty to observe, and which we think, so far, has been useful to the public service—and we doubt whether it would be fair to ask Parliament to separate for any long time at this moment, while leaving you entirely in the dark with regard to the state of affairs. I have therefore to state to your Lordships that I shall be prepared before Parliament separates either to present Papers or to make a statement as to the position and prospects of the negotiations now going on. I can hardly think that under those circumstances my noble Friend will refuse to listen to my appeal—for I am confident that noble Lords on both sides of the House would rather pique themselves on their fairness to the Government, and would be disposed to give it their best assistance when it has to deal with grave international questions.

EARL RUSSELL: My Lords, I gave Notice of my Motion for the 22nd of April. I then put off the Motion to that day week—the 29th. On the latter day, when I found that the despatch had only just arrived, I further postponed my Motion till this day. In the interval before this day arrived I found my noble Friend (Earl Granville) had given Notice that on the 13th—which is just one week from this time—he would propose the Adjournment of the House for more than a fortnight. Now he tells us that on the 13th he will either make a statement or lay the Papers on the Table of the House. My Lords, I am sorry to say that I do not think such an announcement meets what is due to Parliament. It appears to me that if the Papers were laid on the Table, or any arrangement were come to that they should be produced on the 13th, it would be quite impossible that the House, adjourning on the same day for more than a fortnight, could pronounce any opinion on the arrangement come to or on the nature of the Papers produced. It might happen that your Lordships would agree with the arrangement made, or that you might think it a compromise which did not appear to be consistent with the

honour and the interests of this country. If my noble Friend would say that he will not propose the Adjournment till some later day than the 13th, I imagine the House would approve the arrangement proposed. This is a very important question, and one on which the Government have expressed a very decided opinion. If they were now to give way and make an unworthy compromise such a course would occasion great anxiety and, I may say, would excite great indignation in the country. Unless, therefore, my noble Friend proposes to alter the day for the Adjournment, I shall feel it my duty to proceed with my Motion.

EARL GRANVILLE: In any difficulty I have ever experienced in the course of my long connection with your Lordships' House, I believe I may say that I never have been guilty of anything that could be thought unfair; and I have no hesitation in saying that if it is the generally expressed wish of the House that after any declaration which I hope to make, or after laying the Papers on the Table, we should not adjourn for a few days later than was suggested, I, for one, as a matter of convenience to your Lordships, should not be disposed to throw any obstacle in the way.

EARL GREY: Before my noble Friend's Motion is postponed, I hope my noble Friend the Foreign Secretary will give some assurance that in the meantime no course will be adopted by the Government which will pledge the country to any mode of proceeding inconsistent with the course sketched out in the Motion of my noble Friend (Earl Russell).

LORD REDESDALE: I think it would be a great convenience if your Lordships were to come to a decision as to whether the discussion on this subject should be taken before the holidays or after. You might say that you would not adjourn before Friday week, in order that the debate might be held on Thursday week. I cannot help referring to the Notice which I have given on the subject of these Claims, and to which I called the attention of the Government last year, and also since the commencement of the present Session. If the question which I raised were brought into the Arbitration, it would precede the consideration of any question of damages whatever.

It is one as to the right of the American Government to demand damages for acts committed by or on behalf of the South during the war now that the North and South have united. I have abstained from any interference in the hope that something would be done to render it unnecessary; but I think this negotiation is now drifting into a hopeless state, and I beg to say that I have not relinquished my intention of bringing the question again before your Lordships.

THE EARL OF DERBY: May I ask the noble Earl (Earl Granville) whether he can undertake, for himself and his Colleagues, that the Papers shall be delivered on Monday next? There is now a proposition that we should not adjourn till Friday week; and if the Papers were produced on Monday, so as to be distributed on Tuesday morning, we should still have time to consider, and, if necessary, to discuss them before the holidays. That is an arrangement which I think everyone would feel to be satisfactory. A shorter interval than that would not be convenient. It is certainly desirable to discuss the question with the Papers rather than without them. At the same time, it is clear that if we only had them 24 hours before the Adjournment that would be useless for the particular purpose we have in view.

EARL GRANVILLE: I will either present the Papers or make a full statement of the intentions of Her Majesty's Government, so that the House may be in full possession of the state of things before it is called upon to express any opinion.

THE MARQUESS OF SALISBURY: What we desire is, not only to be in possession of the Papers, but to have time to discuss them before we separate for the holidays. I hope my noble Friend will assure the House that he will not only present the Papers on Monday, but that they will be in such a state as to be ready for distribution on Tuesday morning.

EARL GRANVILLE: At the earliest moment I will either submit the Papers or make a statement as to the proceedings of Her Majesty's Government. I beg your Lordships not to suppose that I have the slightest wish to preclude the House from discussing the question should it think fit to do so.

LORD CAIRNS: There is still some difficulty, notwithstanding that the noble

Earl has replied to more than one Question. When the noble Earl first addressed your Lordships I understood him, while adverting to the circumstance that the House was to adjourn on Monday, to undertake that he would either lay the Papers on the Table or make a full statement with respect to the negotiations before we separate. Now, if it is proposed that the question of the Adjournment of the House should be kept open, and that the House, if necessary, should sit until Thursday or Friday in next week, I ask him whether he will adhere to his original promise and either make his statement or put us in possession of the Papers on Monday. If he does that, then I think there will be ample time to propose any Resolution that may be necessary.

EARL GRANVILLE: I have to apologize to the House if I did not make myself understood. I have not the slightest hesitation in saying that the answer which the noble and learned Lord assumes to be my answer is the correct one; but I wish your Lordships to understand that I do not propose to postpone the Adjournment unless it should be the general wish of your Lordships.

EARL RUSSELL: As I understand, my noble Friend (Earl Granville) is prepared to say that before the House is adjourned he will either produce the Papers or make a statement as to the negotiations; and that if your Lordships should be disposed to think that you ought not to separate immediately for so long a period as he proposes, that then he will yield to the wish of the House, and allow a discussion upon the new terms which, we imagine, are to be proposed by the Government. If that is the understanding, I think I should be taking too much on myself if I were to bring on my Motion to-day, and not allow my noble Friend the short time he asks for in order to make a statement which may be an announcement of the termination of this unfortunate difficulty. However, it is always to be recollected that my noble Friend, on the 12th of June last year, declared to this House solemnly and decidedly that the whole of these Indirect Claims were swept away, and that they no longer formed part of the new agreement, although they might have been admissible under a previous one. It should also be recol-

Lord Redesdale

lected that my noble Friend was one of the Ministers who advised Her Majesty in a document of the gravest form—in her Speech to Parliament at the opening of the present Session—to declare that Claims were put into the American Case which we understood not to be part of the Treaty. If my noble Friend will say that he adheres to those words—if he will abide by the assertion that the Treaty of last year put an end to the Indirect Claims—and if he will say that, adhering to those declarations, the Government will make no engagement inconsistent with them, I shall be prepared to postpone my Motion.

EARL GRANVILLE: I have answered a good many Questions to-night; but in reply to my noble Friend, I may say that I am not aware that there is anything in the statement he has just made to which I object. I am perfectly ignorant myself of any intention of departing from any declaration I have made either last year or this on the subject of the Washington Treaty. The only thing I wish to guard myself against is the idea that I shall produce anything new at the end of this week or the beginning of next.

EARL RUSSELL: I only wish, with your Lordships' leave, to refresh my noble Friend's memory as to what he said on the 12th of June last year. These were his words on that occasion—

"These were pretensions which might have been carried out under the former arbitration; but they entirely disappear under the limited reference—which includes merely complaints arising out of the escape of the *Alabama*."—[3 *Hansard*, civi. 1852.]

If my noble Friend adheres to those words, I am content, and am quite ready to postpone my Motion.

EARL GRANVILLE: I do not wish to seem wanting in the slightest degree in respect to my noble Friend, and therefore, even at the risk of wasting your Lordships' time, I beg to repeat the answer I have already given, that there is nothing I said, either last year or this, which I wish to retract or in any way modify.

EARL RUSSELL: I will, then, postpone my Motion until this day week, on the understanding that either then or before that time my noble Friend will be prepared to state the exact condition of the negotiations.

RAILWAYS—TELEGRAPH BLOCK SYSTEM.

MOTION FOR RETURNS.

LORD BUCKHURST, in moving for Returns relating to the use of telegraph block systems on Railways, said, he would ask their Lordships' attention for a very few moments to the subject in connection with railway accidents. In the Report of the Board of Trade laid on the Table of their Lordships' House last Session, and which contained an investigation into a considerable number of railway accidents, very frequent allusion was made to the telegraph block system as a great safeguard against accidents. Their Lordships were probably aware that the object of what was known as the telegraph block system was to secure intervals of space between trains following one another instead of intervals of time; and it is worthy of remark that out of 61 accidents by collisions of following trains noticed in the Report, 36 were more or less attributable to a want of securing better intervals of space. He might, perhaps, read the words of Captain Tyler in the Report—

"The principle of securing intervals of space in place of time intervals between trains, which has now become generally known as the block system, is one improvement on which much has of late been said, and the extension of which the inspecting officers have had occasion constantly, and too much in vain, to recommend during many years."

It was also very noticeable in the Report—though he did not wish to lay too much stress on this point, as there might be other causes—but it was certainly remarkable that on those lines where this system was most completely adopted there were fewer accidents by collisions of trains. On the South-Eastern line, where this system was made use of, no accident was mentioned as requiring investigation; while on some other lines which had not this mode of securing intervals of space, a very large number of accidents were recorded. As their Lordships were so frequently engaged on questions relating to railways, he had ventured to suggest that the information which this Return would supply might not be without its use. He begged to move for a Return of Railways in the United Kingdom, showing those which are worked by telegraph block systems.

Motion agreed to.

APPELLATE JURISDICTION.

NOMINATION OF SELECT COMMITTEE.

LORD CAIRNS moved that the Lords following be named of the Select Committee on Appellate Jurisdiction :—

Ld. Chancellor.	L. Rosebery.
Ld. President.	L. Chelmsford.
D. Somerset.	L. Lyveden.
D. Richmond.	L. Westbury.
M. Salisbury.	L. Houghton.
E. Derby.	L. Romilly.
E. Stanhope.	L. Colonsay.
E. Powis.	L. Cairns.
E. Grey.	L. Penzance.
E. Morley.	L. Aton.
E. Beauchamp.	L. O'Hagan.
L. Brodrick.	L. Blackford.
L. Redesdale.	

THE LORD CHANCELLOR said, he could not reasonably object to the name of any noble or learned Lord who took an interest in the subject; but he could not help remarking that the Committee as proposed by his noble and learned Friend would have 14 noble Lords from one side, against 11 from the other. The crowded state of the benches on the Opposition side of the House indicated that the subject was treated more as a party question than as a matter for deliberate judgment; and he could not but remark further that of the Members selected from the Government side of the House there were two noble and learned Lords who had expressed themselves strongly against his proposition.

LORD CAIRNS said, the list of the Committee had been prepared after the usual communications between the two sides of the House. There was no intention on his part to do anything unfair.

EARL GRANVILLE thought the objection made by his noble and learned Friend on the Woolsack a reasonable one, and suggested that the nomination of the Committee should be postponed till to-morrow.

LORD CAIRNS protested against three things which had been done by his noble and learned Friend on the Woolsack. First, it was out of Order to speak a second time in the same debate. In the second place, his noble and learned Friend was out of Order in referring to what occurred in a former debate. In the third place, his noble and learned Friend had no right to say that the crowded state of the Opposition benches on Tuesday evening showed that the op-

position to his Bill was a party one. He now told his noble and learned Friend that he conscientiously believed he could not have found 20 Peers on the Government side of the House who did not disapprove his Bill.

EARL GRANVILLE said, he would like to know how the noble and learned Lord had arrived at that result if he had not made any inquiries as to who were likely to oppose the Government on this question?

LORD CAIRNS said, he was sorry the noble Earl should have interrupted him by so irrelevant a question. He repeated that the list of names had been prepared in accordance with the usual custom in such cases.

THE DUKE OF RICHMOND said, he must join in the protest against the accusation made by the noble and learned Lord on the Woolsack. The Opposition had not regarded the question of appellate jurisdiction as a party subject—the Bill of the noble and learned Lord had been condemned because it appeared to noble Lords to be an objectionable and a bad measure. His noble and learned Friend (Lord Cairns) and those who supported him were justified by the fact that not a single noble Lord on the Government side had said a word in favour of the Bill.

THE MARQUESS OF SALISBURY hoped it would not be assumed that every Member of the Committee who came from the Opposition side of the House would oppose all schemes for the improvement of appellate jurisdiction. He also trusted that the practice adopted when “packed juries” were required would not be introduced in that House.

EARL GRANVILLE said, the very thing he objected to was a jury packing system. He thought the proposed Committee bore a party complexion.

THE EARL OF DERBY objected to the assumption that this question of appellate jurisdiction was one of a battle between two parties. The inquiry of the Committee was not to be limited to the scheme of the noble and learned Lord on the Woolsack, but was to embrace the whole subject of appellate jurisdiction.

THE LORD CHANCELLOR said, he had to express his gratitude for the information the noble Earl (the Earl of Derby) had just given him and the House—namely, that this was not a

party question. Certainly, from the state of the Opposition benches on the Tuesday night, and from the speech of his noble and learned Friend (Lord Cairns), in which it was suggested that his Bill would be regarded as the first step towards the abolition of the House of Lords, one might have been pardoned for supposing that the debate on his Resolution and his Bill was a party one, and that the subject itself was looked upon in the same light by his noble and learned Friend and those who usually acted with him.

THE MARQUESS OF RIPON said, he would remind the noble Duke that at an early period of the discussion his noble and learned Friend on the Wool-sack accepted the proposal to refer the subject to a Select Committee.

LORD CHELMSFORD desired to ask what was the Question now before the House? It was a mistake to suppose that noble Lords on the Opposition side were opposed to an inquiry into the subject of appellate jurisdiction; but the great majority of their Lordships were determined to retain for that House its appellate jurisdiction till something better was devised.

THE EARL OF FEVERSHAM said, the Constitution invested their Lordships' House with an appellate jurisdiction, and he did not see why that jurisdiction should not be retained. He trusted that there would be no foregone conclusion, and that the ancient appellate jurisdiction of this House, which had worked well, and in which the people had full confidence, would not be abolished in a hasty and summary manner.

LORD CAIRNS said, their Lordships would be glad to learn that a noble Lord (Viscount Ossington) of the highest competency was willing to serve on the Committee, and he should therefore have great pleasure in moving that Lord Ossington's name should be added to the list of names proposed.

Motion agreed to.

And, on Tuesday, the 7th instant, The Viscount Ossington added.

House adjourned at a quarter past
Six o'clock, till To-morrow,
half past Ten o'clock.

HOUSE OF COMMONS,

Monday, 6th May, 1872.

MINUTES.]—WAYS AND MEANS—considered in Committee—Resolution [May 3] reported—Consolidated Fund (£6,000,000).

PUBLIC BILLS—Ordered—Consolidated Fund (£6,000,000)*.

Second Reading—Act of Uniformity Amendment* [135]; Gas and Water Orders Confirmation (No. 2)* [141]; Pier and Harbour Orders Confirmation* [142]; Metropolitan Commons Supplemental* [143]; Naturalization* [145].

Committee—Report—Irish Church Act Amendment [87]; Local Government Supplemental* [103]; Mines Regulation* [29-150]; Metal-liferous Mines Regulation* [30-151].

Report—Master and Servant (Wages)* [65-149]. Third Reading—Gas and Water Orders Confirmation* [125], and passed.

RAILWAYS—ACCIDENT IN THE BOX TUNNEL.—QUESTION.

MAJOR WALKER asked the President of the Board of Trade, Whether it is the case that, on Monday, April 29th, when, owing to an accident to the engine, the up express train on the Great Western Railway broke down and was detained for a considerable time in the centre of the Box Tunnel, the second-class carriages were unprovided with lights?

MR. CHICHESTER FORTESCUE said, in reply, that in consequence of the hon. Member's Question he had inquired from the Company, and found that an accident did occur in the Box Tunnel owing to the breaking of the piston-rod of the engine, and the Board of Trade were informed that on that occasion there were no lights in the second-class carriages attached to the train. He might mention that this part of the Great Western Railway was worked on the block system. No proceedings could be taken by the Board of Trade as to the absence of lights in the carriages, there being no Act of Parliament which gave the Department power to do so.

WATER SUPPLY (METROPOLIS).

QUESTION.

MR. KAY-SHUTTLEWORTH asked the President of the Board of Trade, What has been done by the London Water Companies, the Board of Trade, and the metropolitan authorities respectively, under Sections 17 to 22 of the Metropolis Water Act, 1871, regarding regulations as to fittings; and, how soon

those regulations will be in operation, so that application may be made for a constant supply?

MR. CHICHESTER FORTESCUE in reply, said, the metropolitan water companies had complied with the requirements of the Metropolitan Water Act of last Session by submitting a set of regulations, which they had all agreed upon, to the Board of Trade and to the different metropolitan authorities. Until confirmed by the Board of Trade, however, these regulations were of no force whatever, and an inquiry must first be held by the Board of Trade, at which the metropolitan authorities and the metropolitan water companies themselves would have a right to be heard. A Circular had been sent to the metropolitan authorities inviting them to take the necessary steps preliminary to this inquiry by sending in any objections which they desired to offer to the proposed regulations. At the request of the Corporation of London and the Metropolitan Board of Works the time for sending in objections to these regulations had been somewhat extended—namely, to the 28th of this month. After that date, when the objections had been received, the inquiry—necessarily a somewhat lengthened one—would be held; and when, as the result of that inquiry, the regulations had been confirmed, the companies, after four months' notice, would be required to give a constant supply of water, unless they could show, within a time limited from the giving of such notice, that more than one-fifth of the premises in the particular district were not supplied with proper fittings.

MR. KAY-SHUTTLEWORTH asked, whether the right hon. Gentleman was able to form any opinion as to how long the inquiry would last?

MR. CHICHESTER FORTESCUE said, he was quite unable to say.

ARMY RE-ORGANIZATION—MILITIA PERMANENT STAFF.—QUESTION.

MAJOR TOLLEMACHE asked the Secretary of State for War, Whether it is still under consideration to take men from the battalions of the Line with which they are brigaded at a Depot Centre for the performance of the duties of the present permanent staff of Militia regiments, or whether he has decided it would be rather for the advantage of

Mr. Kay-Shuttleworth

Her Majesty's Service that the present system of a permanent staff for Militia regiments should be retained and be made available for any other duties during the non-training period of the Militia only; whether sealed patterns for clothing, boots, and other equipments will be sanctioned for the Militia, in the same way as for battalions of the Line; and, whether great coats will be issued for the Militia in future as for the Line?

MR. CARDWELL: The first Question, Sir, is no longer under consideration. The intention is that as the present permanent staff ceases to exist, their places shall be filled by men forming part of the Regulars in the same brigade. A Committee consisting of officers of the Department and of commanding officers and adjutants of Militia has been sitting to consider questions connected with the clothing of Militia, and are now about to report. Whenever circumstances require the issue of great coats—as, for instance, in the Autumn Manœuvres—they will be supplied. In ordinary cases a sufficient quantity for guard duties is supplied.

RELIGIOUS DISQUALIFICATIONS FOR OFFICES.—QUESTION.

SIR COLMAN O'LOGHLEN asked Mr. Attorney General, If, according to the existing Law, any religious qualification is necessary for the office of Lord Chancellor of England or Lord Lieutenant of Ireland; and especially whether a Roman Catholic or a Jew, or either of them, is eligible to hold either or both of said offices?

THE ATTORNEY GENERAL said, in reply, that he must preface his answer by a famous story about Lord Coke, who being asked by James I. a question of law, desired to know in return whether it was one of common law or statute law?—because, he said, if it were one of common law he could answer it in bed, but if it were one of statute law he must get up and examine the statutes. The right hon. and learned Member had asked him a complex Question—whether a Roman Catholic could hold the office of Lord Chancellor of England or Lord Lieutenant of Ireland, or whether a Jew could hold either office? The answer to the four questions involved might not be the same in each case. The first Question, respecting the Lord Chancellor of England, divided itself into two others.

Roman Catholics were, in the first instance, excluded from holding the office of Lord Chancellor of England by the operation of the oaths of abjuration, allegiance, and supremacy, and by the necessity imposed upon him by statute of making the declaration against transubstantiation. These disabilities appear to have been first created by the 25 *Charles II.*, s. 2, c. 9, which imposed on all holders of office, civil and military, and among them the Lord Chancellor, the necessity of taking those oaths and making that declaration in the legal term next after their elevation to such office; and by the 30 *Charles II.*, s. 2, c. 1, the oaths and declaration were imposed on Peers and Members of the House on taking their seats. The 1 *Geo. I.*, s. 2, c. 13, extended the oaths and declaration on ecclesiastical persons, heads of colleges, schoolmasters, barristers, attorneys, and all legal persons in the same manner as those imposed by the statute of Charles II., but extended the time to three months; and so the law remained until the 9 *Geo. II.*, c. 26, ss. 3, 4, and 6, which re-enacted the provisions of the Act of Charles II., but the time was extended to six months. That was the state of the law till the 26 & 27 *Vict.*, c. 125, which comprised in its schedule, among statutes totally repealed, the statute of 25 *Charles II.*; but the body of the Act contained the proviso that the repeal of any Act contained in the schedule should not affect any enactment derived from, or incorporated with, such repealed statute. The 29 & 30 *Vict.*, c. 19, known as "The Parliamentary Oaths Act," repealed all that was left of the statute of Charles II.; but the statutes of the two Georges remained, except as they were altered by the Parliamentary Oaths Act. Then came the statute of the 30 & 31 *Vict.*, c. 62, and it was upon the construction of that statute that the question as to the effect of the declaration against transubstantiation on the office of Lord Chancellor of England and the Lord Lieutenant of Ireland must ultimately turn. The statute absolutely abolished the declaration and repealed all Acts requiring it to be taken as a qualification for office by all persons whatsoever; but then the 2nd section declared that nothing in that Act should be construed as enabling persons professing the Roman Catholic religion to hold any Civil offices, other than those

they were at that time entitled to hold. The question was, whether the statutes imposing the declaration and oaths were abolished against all persons but Roman Catholics? By a subsequent statute, all restrictions were abolished; and therefore Roman Catholics would by the effect of that statute be eligible to hold office; but if the true construction were that the old statutes were absolutely repealed, and that the effect of the 2nd section was to re-enact them *de novo*, as regarded Roman Catholics only, then the Parliamentary disability of Roman Catholics still remained. His opinion was that the latter construction was the true one, and that the statutes were not repealed as against Roman Catholics. The 34 & 35 *Vict.*, c. 48, absolutely abolished the statutes of the 1st *Geo. I.* and the 9th *Geo. II.*, without any reservation. The effect of all this, to the best of his judgment, was that, these restrictions having been kept alive up to that time, these two Acts undoubtedly operated to exclude Roman Catholics. When these Acts were abolished without restriction, the restriction against Roman Catholics went with them and no longer existed. He gave that as his opinion, though a right hon. Friend of his differed from him, and he (the Attorney General) was quite ready to receive correction with the greatest possible humility. The Roman Catholic Relief Act was passed in the 10th year of George IV., and it was commonly, though erroneously, supposed that it excluded Roman Catholics from certain offices. His opinion was that such an idea was erroneous. It substituted for certain declarations which Roman Catholics could not take certain declarations which they could take, and it left certain offices where they were before the Act, and the Roman Catholic Relief Act did not operate so material a change as had been supposed. The 21 & 22 *Vict.* substituted one oath for the three oaths of abjuration, allegiance, and supremacy, which up to that time had existed. The substituted oath was just as exclusive as regarded the Roman Catholics as any of its predecessors. The 31 & 32 *Vict.* substituted a further oath, but that the Roman Catholics could take, and by the 9th section, the Lord Chancellor was specially referred to as a person who could take the oath. The old oaths were gone, a substituted oath was enacted on all classes and individuals,

and if a Roman Catholic could take the new oath, he could become the Lord Chancellor. With regard to the case of the Lord Lieutenant, by the statute of the 2nd of Elizabeth the Lord Lieutenant was required to take the oath of supremacy. That was, however, repealed by the statute of William and Mary, and the oaths of abjuration substituted for it, and a declaration against transubstantiation; and the Lord Lieutenant had to take the oath up to 1867. If the Act of 1867 absolutely abolished all the statutes which imposed the declarations and oaths, and re-enacted Parliamentary disability of Roman Catholics, that disability had never been got rid of; but if the Act of 1867 was only to repeal the disabling Acts as regarded everybody but Roman Catholics, then, as they had since been abolished without restriction, the Parliamentary disability was gone, and a Roman Catholic might become a Lord Lieutenant. With respect to the Jews, they could always take the declaration and oaths, and what kept the Jews out were the words—"on the true faith of a Christian;" but as the statute of 1867 omitted these words, the Jews could take the oath, and could consequently hold any office either in England or Ireland.

PENSIONS COMMUTATION ACT—CASE OF LIEUTENANT MARCH.

QUESTION.

MR. M'ARTHUR asked Mr. Chancellor of the Exchequer, Whether the case of Lieutenant March, British Vice Consul at Santander, has been brought before him; and, whether he can state to the House the nature and object of the Regulation issued by him excluding from the benefits of "The Pensions Commutation Act" Officers holding Government appointments without regard to the nature and pay of such appointments?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, the granting of leave to commute a pension was a matter of discretion with the Government, to be exercised with a reasonable regard to the interests of the public service. The Treasury would not, as a general rule, allow persons employed in the public service to commute their half-pay, because they would in such a case be receiving the

full benefit of the pension on half-pay, and at the same time be in receipt of full pay. It was in accordance with this rule that Lieutenant March had not been allowed to commute his half-pay.

DOMINION OF CANADA—GUARANTEED LOAN OF £2,500,000.—QUESTION.

SIR GEORGE JENKINSON asked the First Lord of the Treasury, Whether the Correspondence issued to Members on Friday the 3rd instant, on the subject of the guarantee of the Loan of two millions and a-half to Canada, as compensation for the Fenian raids is complete, or whether any additional letter or letters are yet wanting; and, if so, when it is expected that they will be printed and delivered to Members? He also asked when the subject would be submitted to Parliament for approbation?

MR. GLADSTONE, in reply, said, the Papers intended to be presented by the Government were laid on the Table on Friday night. The hon. Baronet, probably, thought the passage on page 5, "in accordance with the strong wish expressed by the Canadian Government," referred to some further letter. There was no further letter, however. The passage referred to what occurred in the course of an interview between Mr. Campbell, the delegate from the Canadian Government, and Lord Kimberley. The Papers presented were, therefore, complete; and with reference to the last Question, he was unable at present to say when Government would ask Parliament to consider the guarantee. They must wait to observe what happened in Canada with the Bill which had been submitted to the Parliament of the Dominion.

IRELAND—CRIMINAL LAW—IMPRISONMENT OF MR. ROCHE.—QUESTION.

MR. BUTT asked the Chief Secretary for Ireland, Whether any information has been obtained, or any steps taken, in reference to the treatment of Mr. Roche in Galway Gaol; and, whether there is any objection to lay upon the Table of the House the Instructions, with the Opinion of the Law advisers to the Castle, conveyed to the Governor of Richmond Prison, with reference to Mr. Pigott?

The Attorney General

THE ATTORNEY GENERAL FOR IRELAND (Mr. Dowse), said, in reply, that the treatment of Mr. Roche was a matter for the Board of Superintendence of Galway Gaol, and not for the Government. In the case of Mr. Pigott, the Board of Superintendence of the prison were instructed that they had power to make a by-law, enabling Mr. Pigott to be confined as a first-class misdemeanant. He presumed that after this explanation the hon. and learned Member would not require the Papers to be laid on the Table.

CRIMINAL LAW—BRUTAL ASSAULTS ON WOMEN.—QUESTIONS.

MR. MONTAGUE GUEST asked Mr. Attorney General, Whether with regard to the great increase of brutal assaults upon women, so frequently reported in the newspapers, he will bring in a Bill to repeal the Act "for the better prevention and punishment of Aggravated Assaults upon Women and Children," 16 and 17 Vic. c. 30, so far as to make provision for the increase of the severity of the law, by giving power to flog the offenders in such cases?

THE ATTORNEY GENERAL, in reply, said, a Bill was already before the House, brought in by the hon. Member for Windsor (Mr. Eykyn) and the hon. and learned Member for Shrewsbury (Mr. Straight), bearing on this subject, and when that Bill came on for consideration, it would be his duty to express his opinion upon it. But as far as his attention had been called to the cases referred to, he had no hesitation in saying that anyone knowing anything of law would be aware that the results of those cases were not so much the fault of the law as the fault of those who administered it.

MR. MONTAGUE GUEST asked, Upon what day the hon. and learned Member for Shrewsbury would bring forward his Bill?

MR. STRAIGHT said, he hoped to do so on Tuesday, the 28th instant.

CRIMINAL LAW—ASSAULT ON THE LATE MR. MURPHY.—QUESTIONS.

MR. NEWDEGATE wished to ask the Secretary of State for the Home Department a Question of which he had given him private Notice. It was, Whether there was any truth in the report appearing in a Carlisle Paper of May 3rd,

to the effect that the sentence passed on five men by the Lord Chief Baron, as principals in the outrage committed on the late William Murphy, from the effects of which he died, had been remitted?

MR. PERCY WYNDHAM asked, Whether the Home Secretary would object to lay upon the Table, a Copy of any Memorial praying for the reprieve of these prisoners, and any Correspondence between himself and the Whitehaven Bench with reference to a meeting Mr. Murphy proposed to hold in that town?

MR. BRUCE said, in reply, that he had received a memorial signed by some magistrates, clergy, and inhabitants of Whitehaven, praying for the remission of the remainder of the sentence. It had been sent in the usual way to the Judge who tried the case, and the Lord Chief Baron recommended that as 10 of the 12 months' sentence had been served, and as the evidence did not show the prisoners were directly implicated in the affair, the remainder of the sentence should be remitted. He (Mr. Bruce) saw no reason for departing from the usual course, which was to act upon the recommendation of the Judge. With reference to the Question of the hon. Member for West Cumberland, he stated it was not usual to present memorials to the House, but he did not think there was any objection to presenting the Correspondence. He, however, would consider the matter.

IRELAND—EXEMPTION FROM TAXATION.—QUESTION.

COLONEL TAYLOR asked Mr. Chancellor of the Exchequer, Whether he is aware that in the North Dublin Union exemptions from taxation already exist to the extent of £60,000 annual valuations; and, whether he is prepared to resist the further progress of the Sanitary Works (Ireland) Bill, as antagonistic of the principle contained in the Bill announced by the Secretary to the Treasury to be now ready?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, the exemption in question did not come within his Department, and that he had no intention of opposing the Bill referred to, but he could not say what the representative of any other Department might do.

AFRICA—ACQUISITION OF DUTCH
GUINEA.—QUESTION.

In reply to Sir CHARLES WINGFIELD, MR. KNATCHBULL-HUGESSEN said: I am happy to inform the House that we have this day received intelligence from the West Coast of Africa of a highly satisfactory nature. As I had ventured to anticipate when previously questioned upon this subject, the transfer of Elmina to the British Crown was accomplished in the early part of last month not only peacefully, but with the perfect assent and goodwill of the native tribes. I do not like to make this announcement to the House without expressing my belief that great credit is due to Governor Pope Hennessy for the ability and discretion with which he has conducted the management of this affair.

IRELAND—LIEUTENANT OF THE
COUNTY OF CLARE.—QUESTION.

MR. COLLINS asked the right hon. Baronet opposite, the Member for the County of Clare (Sir Colman O'Loughlen), Whether he intends to proceed with his Motion on this subject to-morrow?

SIR COLMAN O'LOGHLEN said, in reply, that it was his intention to proceed with his Motion to-morrow, if he could, and he was anxious to bring it on as early as possible. No doubt, as it was a Motion involving censure, the Government would be desirous of having a speedy decision upon it.

IRISH CHURCH ACT AMENDMENT BILL.
QUESTION.

COLONEL TAYLOR asked the Chief Secretary for Ireland, Whether it is his intention to proceed with the Committee on the above-named Bill that night?

THE MARQUESS OF HARTINGTON said, he wished to make an appeal to hon. Members who had placed on the Paper numerous and voluminous Notices of Instructions and Amendments in reference to this Bill, which stood for Committee that evening. Those Instructions and Amendments would entirely alter the scope of the Bill as it came down from the other House. He could not complain of that, because he had himself given Notice of an Instruction and Amendments which would considerably enlarge the scope of the measure. But he would withdraw his

Instruction and Amendments if those other hon. Members would do the same, and he would also undertake to bring in another Bill embodying Amendments suggested by the Church Commissioners, and which the Government could accept. Unless some such course were adopted, it would be impossible to carry through the House that Bill, which it was important should be passed without delay. He would endeavour to press forward the second Bill as much as he could, because the Commissioners were anxious that some Amendments which they had suggested should be passed this Session. Hon. Members, by the arrangement which he proposed, and to which he now invited their consideration, would have a more convenient opportunity of placing their views before the House. It would entirely depend on the course which hon. Members might take, whether he should ask the House to proceed with the Committee on the Bill that night or not.

RELIGIOUS DISABILITIES ABOLITION
BILL.—QUESTION.

MR. NEWDEGATE asked the right hon. and learned Baronet opposite (Sir Colman O'Loughlen), Whether, after the answer given that evening by the Attorney General, he would proceed with this Bill?

SIR COLMAN O'LOGHLEN said, it was not his intention to proceed this Session with the Bill.

MR. NEWDEGATE gave Notice that he should object to its withdrawal.

EDUCATION (SCOTLAND) BILL.

(The Lord Advocate, Mr. Secretary Bruce, Mr. William Edward Forster)

[BILL 31.] COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. GORDON, in rising to move—

"That, having regard to the principles and history of the past educational legislation and practice of Scotland, which provided for instruction in the Holy Scriptures in the public schools as an essential part of education, this House, while desirous of passing a measure during the present Session for the improvement of education in Scotland, is of opinion that the law and practice of Scotland in this respect should be continued by provisions in the Bill now before the House,"

said, that the time that had elapsed since the second reading of the Bill had

allowed the opportunity of obtaining an expression of public opinion, and he would venture to say that never had there been a measure which had elicited so strong and so numerous an opposition to its provisions as this. The objections relating to the managing body which was to superintend the education in Scotland, to the provisions relating to the interests of the schoolmasters, and, above all, to the provisions affecting the religious system which had hitherto characterized education in Scotland. In the past year there were 903 Petitions against the Bill, signed by about 70,000 persons, while there were in favour of the Bill only 51 Petitions, signed by 4,800 persons. Of course, on both sides there were what might be called corporate Petitions. In the present year the Petitions against the Bill out and out were 174, representing signatures to the number of 33,000; but the Petitions were generally couched in this form—they prayed for alterations in the Bill, with a view to secure the religious system which had hitherto prevailed in Scotland, and if that prayer was not granted that the Bill should be rejected. The Petitioners did not wish to prevent the examination of its provisions and the amendment of these provisions in Committee. Petitions had been presented to the number of 1,491 this year, representing 190,000 persons, if not altogether upwards of 200,000, praying for alterations in this sense. There was to be deducted from that number, however, Petitions signed by 30,000 persons connected with the Birmingham League, who took great interest in Scotch education, and who objected to this Bill because it contained the very slightest approach to religious instruction. The result, therefore, was this—that there were upwards of 200,000 Petitioners against the provisions of the Bill—and the House must keep this in view in considering the number of persons who signed the Petitions, that the population of Scotland was only one-sixth of the population of England—the signatures therefore represented a very large body of Petitioners. He did not think that any Imperial subject interesting the three Kingdoms had secured proportionately a larger number of Petitions against it. It was, therefore, quite clear that there was a strong feeling in Scotland in reference to the pro-

visions of this Bill, and instead of the people of Scotland appearing satisfied with it, they were very much dissatisfied, and prayed the House to make material alterations in the Bill. These Petitions were the result of many public meetings which had been held for the purpose of discussing the Bill, and of innumerable publications which had been issued by the Press treating of it. Men of the highest position and intelligence had taken part on the same side. A meeting was held lately at Edinburgh, presided over by a nobleman whose name was very much respected, not only in Scotland, but wherever he was known—the Duke of Buccleuch—and it was attended by many very influential persons, who were dissatisfied with the destructive tendency of the Bill, especially as regarded religious instruction. Men of all Churches took part in the discussions; men connected with the Established Church, the Free Church, and the Episcopalian; and even the laity belonging to the United Presbyterian body—there was not the same feeling among the clergy of that Church—had taken part against it. The Established Churches connected with the parish and other schools in Scotland had expressed their dissatisfaction with the provisions of the Bill, and in particular with respect to the provisions relating to religious instruction. They thought it essential that there should be a power in the Established Church to give religious instruction. He might quote the opinion of one who might be regarded as an impartial witness in this matter, as not being connected with any of the Presbyterian Churches—namely, Bishop Eden, the Primus of the Episcopal Church in Scotland. That dignitary said—

“That it was impossible to compare the scheme of education proposed by this Bill with the system which has so long prevailed in the parish schools of Scotland without feeling that, however unintentional on the part of the framers, the measure must prove a great blow and heavy discouragement to religious education, and as such run counter to the old traditional feelings of the country. The real distinction between the two schemes is, that the one is a scheme for imparting secular education based on religion, the other a scheme for a similar object, but professedly not based on religion.”

That being so, he had thought it right to bring before the House the Resolution of which he had given Notice. It was not moved by him with any party object, but solely to secure the important

object which he held to be essential to education, and which very numerous Petitioners had prayed the House to secure to them. When in 1868 he sought the suffrages of the constituency he had the honour to represent, he was defeated by a small majority; but when in 1869 he again sought their confidence, he stated—

“A marked feature in the education which has hitherto prevailed in our parochial and in most of our other schools, and which I am desirous should be continued, has been that the children have had the opportunity of obtaining instruction in religion of a scriptural and unsectarian character. Whilst I hold that no educational measure can be considered satisfactory which does not acknowledge such religious instruction as part of the national system, I am most anxious to see provision made that, as heretofore, no violence shall be done to conscientious convictions, the right of the parent to withdraw his child from such religious instruction being clearly recognized.”

He then had the good fortune to be returned by the large majority of 500; so that he was now only redeeming his pledge to his constituency in submitting the Resolution which he was laying before the House. He did not desire to throw any obstruction in the way of passing this Bill. There were rumours that the object of the Resolution was to throw out the Bill; but he certainly had not only no such intention, but his Motion was one which clearly admitted of the Bill being proceeded with. The only effect of the passing of the Resolution would be that the Government would have an opportunity of reconsidering the provisions of the Bill, having regard to the opinions of the House if the Resolution was assented to—for the measure could not be passed through Committee before the Whitsuntide holidays. He was not there to advocate the interests of any Church, or to maintain the right of the Established Church to continue in the management of the schools. He was of opinion they had been deprived of the management to a great extent in 1861; and what he wanted was to get the Resolution passed—not in the interests of any Church, but in the interest of the religious instruction which had hitherto prevailed in Scotland. The Government had promised to consider the suggestions he had made, but no Amendments had been introduced. They could not be wedded to this Bill, because in 1869 they had brought in a Bill very different in character, inasmuch as it did

Mr. Gordon

not overturn the provisions for religious instruction which had hitherto existed in Scotland. That Bill received the sanction of this House, and he hoped the Government were not so wedded to the present Bill that they would not adopt the system which passed the House in 1869, and which did not interfere with religious instruction. It was not necessary, in the view which he took of the position of education in Scotland, for him to raise the abstract question as to the duty of the Government in regard to religion in State-aided schools. He himself had a very strong view on that question. If Government took the management of education out of the hands of parents, and even compelled parents to send their children to school, then Government assumed the position of parents; and as parents were bound to educate their children religiously, so Government was bound to take care that education was given religiously. It was quite possible, at the same time, to do this with the utmost toleration of the prejudices of those parents who objected to their children receiving such instruction. It had been always the practice in Scotland to exempt children whose parents objected to receive such instruction, and the manner in which the Conscience Clause had been carried out had never been made the subject of complaint in any way whatever. It was no answer to this proposition that a different custom had been followed in other countries; but this seemed to be the view of the Home Secretary, who, in addressing his constituents, said—

“He could not but think that the large experience gained during the great discussions on the English Bill had been of great service in the preparation of the Scotch Bill. He ventured to assert as much last year, and he was taken to task by some severe critics, who charged him with a desire to import into the Scotch Bill the principles of the English Bill. Nothing could be further from his mind or the minds of his Colleagues. They, as practical men, felt that the case of England and the case of Scotland were entirely different. In England it was necessary to create a system, whereas in Scotland there was a national system already, and all that required to be done was to build on the foundations thus afforded, and to extend the existing system in the spirit in which it was originally created.”

Mr. BRUCE: That was in reference to the course of instruction given in the schools.

Mr. GORDON said, that religious instruction had always been a part of

general education in Scotland, so that he had now the authority of the right hon. Gentleman the Home Secretary for saying that that course of instruction was right. He wished the House to see how the system in Scotland had been "originally created," to use the words of the Home Secretary. The first Act which bore on the subject was one passed at the suggestion, he had no doubt, of John Knox and his colleagues, in 1567, and which proceeded in these terms—

"Forsameikle as be all laws and constitutions it is provided that the youth be brocht up and instructed in the fear of God and gude maneris, and gif it be utherwise it is tinsel baith of their bodies and saules gif God's word be not ruted in them. Quheirfor, our Sovereigne Lorde, with advice of my Lorde Regent, hes statute and ordained that all schulis to burgh and land, and all universities and colleges, be reformed; and that nane be permitted or admitted to have chairge and cure their in time cuming, nor instruct the youth privatlie or openlie, but sik as sall be tryed be the superintendentes or visitoures of the kirke."

This was a public declaration by the Legislature of Scotland that it was necessary that the youth should be brought up in the fear of God; and the means by which it was sought to attain this end was by putting religious instruction under the superintendence of the Church. It was thought that if they placed schools under the superintendence of the Church they would secure that religion that the Preamble declared to be for the good of the community. When in 1606 the government of the Church became Episcopal, provision was made that these schools should be under the management of the Bishops; and when in 1662 the Presbyterian again became the State religion, the schools were placed under the management of the Presbytery. In 1696 provision was made for payments by the proprietors for the support of the schools; and it was then declared that all former statutes concerning the schools should be ratified and confirmed. In 1803 the salaries of the schoolmasters were increased, and provisions were made with reference to the admission of the schoolmaster to his office. By section 16 it was provided that before admission to his office the Presbytery should—

"Take trial of his sufficiency for the office in respect of morality and religion, and of such branches of literature as by the majority of heritors and minister shall be deemed most necessary and important for the parish."

The teaching of religion, therefore, formed one of the duties which were intrusted to schoolmasters, whilst the branches of literature that were to be taught were left to the Presbytery to decide. It was clear, therefore, that the tendency of these statutes was that the teaching of religion formed one of the essential duties of schoolmasters. Up to 1861 schoolmasters had been required to sign a formula or profession of faith; but in that year an Act was passed to relieve schoolmasters from the necessity of signing the formula of the Established Church, and it was declared that any person might be admitted as a schoolmaster even although he should not sign such a formula; but as this was getting rid to a certain extent, of the security for religious teaching and the religious character of the schoolmaster, it was declared that he should sign a declaration in the following terms:—

"I, A. B., do solemnly and sincerely, in the presence of God, profess, testify, and declare, that, as schoolmaster of the parochial school at _____, in the parish of _____, and in the discharge of the said office, I will never endeavour, directly or indirectly, to teach or inculcate any opinions opposed to the Divine authority of the Holy Scriptures, or to the doctrines contained in the Shorter Catechism agreed upon by the Assembly of Divines at Westminster, and approved by the General Assembly of the Church of Scotland, in the year One thousand six hundred and forty-eight; and that I will faithfully conform thereto in my teaching of the said school."

This measure was introduced by the then Lord Advocate (Mr. Moncrieff), and on the Motion for the second reading he said that the one object of the Bill was to abolish the exclusive test that the schoolmasters should belong to the Established Church, whilst on the other hand it provided that they should teach the Holy Scriptures and the Shorter Catechism as set forth by the Westminster Confession of Faith. He had heard it disputed that the effect of this provision of 1861 was to secure that there should be religious instruction given by the schoolmaster; but it must be borne in mind how strong were the words of the Lord Advocate upon that point. The 13th clause of the Act of 1861 provided that there might be a prosecution at the instance of the Presbytery for a contravention of the declaration by the schoolmasters; but no such violation ever occurred. Such were the whole of the enactments bearing upon the teaching

of religion in the parish schools in Scotland. It had been said that the Presbytery could exclude the teaching of religion in the parish schools of Scotland; but he ventured, as a lawyer, to say that this was not correct before 1861, and it could not be said to be correct after 1861. They had the opinion of the Lord Advocate of that day that it was the intention to provide for the teaching of religion; and then it was provided that if any schoolmaster had attempted to evade his duty he should be compelled to discharge it or lose his place.

THE LORD ADVOCATE: There is no such prosecution possible under that clause.

MR. GORDON thought that the 13th clause authorized the Presbytery to lay a complaint against the schoolmaster who failed to comply with the declaration.

THE LORD ADVOCATE: They might complain to the Secretary of State.

MR. GORDON: Anyhow, that statute contemplated a prosecution for the breach of the declaration. So much with regard to legislation. And he now came to what had been the practice or custom as to religious teaching in Scotland. The Holy Scriptures had been taught in all schools in Scotland, and the Westminster Catechism was also used there; and they had also been carried into all the Presbyterian Non-conformist schools. The practice, however, was to respect the rights of parents, because any parent who objected to such instruction could withdraw his child from it. There was at present in Glasgow—where it might be expected there would be found the greatest number of persons who would avail themselves of this right—a school connected with the Established Church which had 1,300 pupils, and of these only 22 were withdrawn when religious instruction was given. There were, therefore, 98 out of every 100 who desired to themselves of religious teaching. The Roman Catholics also availed themselves of the parish schools in which religious instruction was given, and said that they preferred that system to the one proposed to be established under the present Bill. The Commissioners on Scotch Education said—

“It has been seen already that the parochial school partakes of the character which is common to all Presbyterian schools, of being entirely undenominational as respects the attendance of scholars. In this respect there never has been in

Scotland any material difficulty arising from what is called the religious or conscience element. So long ago as 1829 the Education Committee of the General Assembly reported that ‘the teachers had been directed not to press on the Roman Catholic children any instruction to which their parents or their priest might object, as interfering with the principles of their own religion.’ In 1833 the same Committee again recurred to the subject, and state that ‘by this toleration, these Protestant schools have been everywhere acceptable and attractive to the Catholic population.’”

This continued to be the case down to the present day; and so carefully had the schoolmasters respected the rights of conscience that they had never given any cause of complaint either to Catholics or to Nonconformists. Last year the Lord Advocate, in introducing his Education Bill, said that—

“The religious difficulty had not, and never had, any practical existence in Scotland. That had never obtained, by any provision of law, a Conscience Clause in any public schools: nevertheless they had always been conducted as if a very precise clause had been in operation.”—[3 *Hansard*, cciv. 208.]

Again, this year he said—

“When it was said that there had been no religious difficulty in Scotland, what was meant was that the parents of all the children attending these public schools were quite content with the present system, and that no heartburnings existed upon this point.”—[3 *Hansard*, cciv. 201.]

If the parents of the children were in this position, what necessity was there to make any change? The present Bill recited the Acts of Parliament upon the subject, including the Act of 1861, which contained the provision regarding the declaration, and it repealed them all absolutely. Having thus made a *tabula rasa*, and got rid of that system of Scotch education which had been considered so advantageous, great credit was taken that whilst the Bill did not prescribe religion, it did not proscribe it. It was true that the Bill did not directly and absolutely proscribe religious instruction, though much was done in it to discountenance and discourage such instruction—it was mentioned solely for the purpose of being excluded and set aside. That being so, he thought it was necessary and proper, before they went into Committee upon the Bill, that they should express their opinions in reference to the basis upon which it was formed. It was of great importance, before they went into details, that they should consider the question of principle—because, if they should settle the principle in accordance with the view that he considered

Mr. Gordon

right, they would afterwards be much better able to deal with the details. The mode of dealing with this question now was very different from the mode adopted when previous Bills were brought in by Liberal Governments. In 1854 there was a Bill for amending the law relating to education in Scotland, brought in by the then Lord Advocate (Mr. Moncrieff), and this was its Preamble—

"Whereas, instruction in the principles of religious knowledge and the reading of the Holy Scriptures, as heretofore in use in the parochial and other schools in Scotland, is consonant to the opinions and religious profession of the great body of the people, while at the same time ordinary secular instruction has been and should be available to children of all denominations."

This was a distinct recognition of the principle of religious instruction being consonant to the opinions of the great body of the people; and accordingly the 27th clause of the Bill contained a distinct provision that the schoolmaster should give instruction at definite hours in religion. It was not left to be determined by any local authority, but it was the subject of direct legislative enactment. In the present Bill there was no duty whatever laid upon the schoolmaster to provide religious instruction, and there was no provision for the removal of teachers for irreligion. The educationalists of Scotland had hitherto successfully resisted being brought under the Revised Code of 1862, because it was thought that the basis of education in Scotland would be framed like that of England. At present the grants from the Privy Council were made under the Act of 1861, which provided that they should be given to schools in which there was religious teaching; and no one in Scotland objected to the operation of that provision. In the present Bill there was an express declaration that none of the Privy Council grants should be given for the purpose of religious instruction; and the Conscience Clause was one which he ventured to think imposed the greatest restriction in reference to religion. The English Conscience Clause said that the time or times during which religious instruction was given at any meeting of the school should be either at the beginning or at the end, or at the beginning and at the end of such meeting, and should be inserted in a time-table to be approved by the Education Department, and which table should be kept perma-

nently and conspicuously affixed in every school-room, and any scholar might be withdrawn by his parents from such instruction without forfeiting any of the other benefits of the school. In the Bill then before the House it was enacted by the 65th clause that in every school secular instruction should continue during four hours at the least, and no religious instruction should be given and no religious observance should take place except before the commencement or after the termination of the secular instruction, and that the time for religious instruction and for religious observances, if any, in school should be specified on a table provided by the Scotch Education Department. The provision permitted religious instruction only on one occasion, which was a much narrower provision than that in the English Bill. Under the present Bill it would be impossible to give religious instruction in a school in which there were five or six classes composed of pupils of different degrees of progress in secular and in religious knowledge, so that each class would require separate teaching. This was a provision that was very much opposed to the practice that had hitherto prevailed in Scotland. The provision would prevent any religious instruction in infant schools where the duration of attendance was only about four hours a-day, and it would also produce the same result in reference to night schools. The effect of such a system as this would be inconsistent with that which prevailed in Scotland, and would prove destructive both to the existing schools and religious teaching in Scotland. In Scotland they had a feeling of jealousy of the Privy Council, especially after the declaration of the Chancellor of the Exchequer in relation to this subject of education. In the speech of the right hon. Gentleman to the people of Halifax, a few months ago, the right hon. Gentleman used the following language:—

"It is the duty of Government to have the children of the State educated just as it is to establish a police, and to see to the safety of society. That being the case the Government did not in any degree discharge its duty by delegating it, not to persons chosen by themselves, but to any number of persons who came forward to found schools. That system I was never weary of denouncing; but I am sorry to say that in so denouncing it I met with very little, if any, support in Parliament, and not being able otherwise to reform the system, I, in conjunction with

my Colleague, Earl Granville, hit on the scheme of payment by results, which had a particular value of its own, because it tended to ensure a sufficient quantity of work for the money paid for it. But it had another and further advantage. By paying for secular results, and giving no payment at all for religious instruction, we adopted a system tending very forcibly to the secularisation of education. I look upon this as a great benefit."

But the right hon. Gentleman the other night expressed some sympathy with the secularists in this respect when he said that he would not have religious instruction given by the schoolmasters. Religion, too, was to be excluded as one of the subjects of examination in schools. The Bill of 1869 provided that Inspectors should not be entitled to inspect in regard to religion except when specially requested. But the present Bill did not even allow that privilege. The Inspectors were absolutely forbidden to make any investigation as to the religious teaching of the schools, even though it should be distasteful, neither to the parents of the children nor to the managers of the schools. There was no provision whatever for the religious instruction of the poor. The 66th clause of the Bill seemed to be expressly framed in order to escape from the religious difficulty raised by the 25th clause of the English Act; for it simply proposed to enact that school boards should be bound to provide instruction in reading, writing, and arithmetic. He submitted that there was no desire to change the system which had existed so long and was recognized so long as having conferred great benefits on Scotland. It had been said that the question whether the Bible should or should not be read at these schools might be fairly left to the local boards. Now, the people of Scotland did not wish to make the "Bible" or "No Bible" an electioneering cry. They felt that they were living in a Christian country, where the Bible was recognized as the basis of all morality and public order, and it was the duty of every Christian State to furnish every facility possible for the communication of religious instruction to the young and the ignorant. The Bill of 1854 contained a direct provision for the instruction of children in Holy Scriptures. In whose interest was this measure framed? Certainly not in the interest of either the children or their parents, because it ignored the wishes of both. They had been told that the ex-

Mr. Gordon

isting system of religious teaching in Scotland had worked well and given great satisfaction. Well, if that were so, why was it not allowed to continue? [The LORD ADVOCATE: Hear, hear!] He was glad to hear that expression of opinion on the part of his hon. and learned Friend, because he thought he had shown that the people did not desire any change in the existing system, which was clear in point of principle, and perfectly suitable to the existing and special circumstances of the country. There were two classes of persons who might be said to object to religious instructions in these schools. First, those who were opposed to Christian instruction on the ground, as they asserted, that it tended to fetter the human intellect. Was it right, he (Mr. Gordon) asked, in those days, when they saw the Holy Scriptures not only openly attacked, but also secretly undermined, to give way to such an objection? Their resolution in respect to religious instruction should give no uncertain sound. The knowledge of the Holy Scriptures was a most important element in the education of youth. Another class of persons objected to the introduction of religious teaching into these schools, because they thought it tended to produce religious inequality and sectarian strife amongst the pupils. The latter class of objections came generally from the Nonconformist body, although he knew many eminent exceptions to this opinion among them. He could understand why they should object to religious instruction being afforded to the adult portion of the population—though even on that point he could not agree with them—but he altogether failed to understand why they should object to the State providing religious instruction for the young. It appeared to him that they took a distorted view of this matter. It was said that the Christian education of children might very well be left to parents and Churchmen. How ludicrous it was to speak of the parents giving that instruction. Why, it was in consequence of the neglect of the parents to give even secular education to their children that the Government were compelled to have recourse to this Bill to oblige them to do so. How, then, could it be expected that the parents would voluntarily supply their children with religious instruction? Did they not know there was

a large mass of the population who habitually neglected their parental duties? Let them take the case of Glasgow, for instance, as far as leaving religious teaching to the Church was concerned. In that city there were about 130,000 persons, or about one-fourth of the whole population, who never went to church at all, and yet it was proposed to compel the young persons among this vast number to take secular education, but to leave their religious instruction to the Church, whose ministrations they never attended. The Nonconformists were said to be in favour of a secular system, but in 1847 a large body of them set forth their view that the State had no right to interfere with education, because there could be no proper and sound system which did not provide religious instruction. In answer to the suggestion that the question of religion should be left to the local boards, he could only express his opinion that so to leave it would have the effect of creating dissension and heartburning to such an extent that the people in many districts would be inclined to allow religious teaching to be elbowed out of the schools in order to restore order and peace to the society in which they lived. Religious teaching had been the rule in Scotland for three centuries. It was the intention of the Bill of 1861 to continue it, and he asked the House not to permit that system to be overturned. By some persons Dr. Chalmers had been quoted in support of the secular system, but at the time Dr. Chalmers made use of the expression which was quoted, the state of things was different from what it was at present, and since then Dr. Chalmers declared in favour of putting the Word of God in the forefront of their system of education. Another ground on which he asked the House to support the Resolution of which he had given Notice was that the overwhelming testimony of the Scottish people was in its favour. Not more than 2,000 people had petitioned in favour of the Bill, but there were no less than 200,000 persons in Scotland requiring religious education. Why, then, should Members of the House disregard the opinion of their constituents, and refuse to maintain a system which had hitherto worked satisfactorily? In conclusion he begged to move the Resolution.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "having regard to the principles and history of the past educational legislation and practice of Scotland, which provided for instruction in the Holy Scriptures in the public schools as an essential part of education, this House, while desirous of passing a measure during the present Session for the improvement of education in Scotland, is of opinion that the Law and practice of Scotland in this respect should be continued by provisions in the Bill now before the House,"—(*Mr. Gordon*),—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

THE LORD ADVOCATE: Sir, it is not my intention to occupy the attention of the House above a very few minutes, for I feel that it would not be becoming on my part to detain hon. Members with premature and unprofitable discussion upon questions which will regularly and usefully come under their consideration when we get into Committee. My hon. and learned Friend the Member for Glasgow University has said that this Motion of his was not brought forward for any party purpose—and I readily accept that statement. He added that neither was it brought forward with the view of placing any impediment in the way of the progress of the Bill. Well, I wish my hon. and learned Friend had told us with what view it was brought forward. There may be occasions on which it is expedient for the House, even when on the very eve of going into Committee on measures, to address itself to the consideration, and to dispose of by way of Resolution, any particular subject which the measure comprehends; but these occasions must necessarily be very rare and exceptional, for it is obviously the most ordinary course to consider the whole subject and the provisions of the measure in Committee. This Resolution is brought forward as an Amendment on the Motion to go into Committee. My first objection to it is that it is altogether unnecessary to enable the Committee to deal with the provisions of the Bill in such manner as it pleases. The import of the Motion is to express approbation of the existing law and practice of Scotland with respect to Bible teaching in public schools; and, further, to express the opinion that the provisions of the existing law should be

continued by similar provisions in the Bill at present before the House. Now, whatever the existing law may be, no preliminary Resolutions are necessary in order to enable the House in Committee to bring the provisions of the Bill, if they are not at present in accordance with the existing law, into such accord as the House may think proper. If the Resolution be not necessary for that purpose, it is certainly unnecessary for any other purpose. It is so unnecessary for that purpose that as an Instruction to the Committee it would be absolutely incompetent, because it is always incompetent to instruct a Committee to do what the Committee has, in its ordinary competency, the power to do without any Instruction whatever. My second objection to the Resolution is that it is altogether erroneous in the assumption which it states with respect to the provisions of the existing law. I do not fail to notice the mist attempted to be raised by the jumble of words—such as “the principles and history,” “past legislation and practice” in Scotland with respect to education—such a mist is easily blown aside. It was hardly worth attempting to raise it with respect to the provisions of the law, for it is altogether an error to say there is any law in Scotland, legislative or otherwise, which provides that instruction in the Holy Scriptures in the public schools shall be an essential part of education. My hon. and learned Friend may be able to persuade the House that that ought to be the law, and he has an Amendment in Committee upon the Paper for the purpose of making that the law, and he will have an opportunity of attempting to persuade the Committee to agree to his proposal; but I venture to say this, in the most unqualified manner—that legislation has never hitherto made such provision as that which he asks the House to make—and that the practice is in entire concordance with the statement of my hon. and learned Friend. It has always been the practice, not only in the public schools in Scotland, which are subject to the law existent upon the subject, but also in the voluntary schools, which outnumber the public schools three to one, to give instruction to the children attending them, not only in the Holy Scriptures, but also in the Shorter Catechism. For my part—and I think I may speak

The Lord Advocate

for my hon. Friends on this side—I entirely approve, and they entirely approve, of that practice, especially taken in connection, and because we must take it in connection, with what my hon. and learned Friend correctly stated, and for which he justly claimed credit, for the managers of existing schools—namely, the manner in which these schools are conducted. My hon. and learned Friend claimed credit for the managers of the schools, because religious instruction was given at such times and in such manner that no child was called upon to receive it whose parents or guardians objected; and that religious instruction—and especially Bible teaching—was given, not under a written Conscience Clause, because no such clause exists in Scotland, but an unwritten Conscience Clause, which is rigidly and conscientiously observed by the school managers. Of that course of proceeding we must all entirely approve. I wish to state distinctly that the law of Scotland at this moment leaves school managers at perfect liberty in this respect. We know how they have exercised their liberty; and I, for one—and the great majority, I believe, of those who sit on this side of the House—approve of the manner in which they have exercised the liberty which they possess. I say so, subject to the important qualification—and if I was to make any criticism upon it, it would be only this—that the Bible instruction has been too little, too feeble, and not at all as efficient as it ought to be. So far as we can judge from the Commissioners’ Reports, there has been a great failure in that respect—probably from no fault of the teachers, but for want of the power. That, I hope, will be supplied by this Bill—to teach religion in that effectual and efficient manner which is desirable, and which I trust in future will bear very different results from the fruits borne in the past. I blame nothing in respect of the practice of the schools in this respect; on the contrary, I entirely applaud it, and only wish to make it more efficient. My hon. and learned Friend says—and he repeated it over and over again—if the people of Scotland are entirely satisfied with the existing system, why change it? I do not propose to change it in the least degree; I do not propose to make for the future any more than has been done for the past—any legislative pro-

vision with respect to the teaching of religion. There is none now. The schoolmaster is subject to a certain test, but he is not enjoined to teach religion. He is not even required to profess belief in the Holy Scriptures. He is expressly relieved from doing so. He is not required to express belief in the Confession of Faith, or to subscribe it. He is expressly relieved from doing so. What he undertakes is that he shall not directly or indirectly teach or inculcate any opinions opposed to the Divine authority of Holy Scripture. But he is not required to teach anything on the subject. I do not say whether that is right or wrong—I do not touch on that subject at all in this Bill. I leave the schoolmasters very much as they now are, only interfering so far with those who elect them that they shall not in future, as in the past, be selected exclusively from members of the Established Church. Suppose for a single moment that there were any law on this subject such as my hon. and learned Friend puts forward, without being able to put his finger on a single enactment—nothing could be easier than to say you shall teach the Bible, you shall teach the Shorter Catechism, or anything else—it is almost impossible to use words intended to have that effect which any man reading them can misconstrue. But there is now no provision whatever on the subject of teaching the Holy Scriptures or the Shorter Catechism. If there were, it would apply only to the parish schools, or a quarter of the entire number, leaving the other three-quarters subject to no law on the subject. If the teaching of religion is to be safe in the future; if it is not only not to be hindered, but to be stimulated and promoted so as to be made efficient, it is not by statutory enactment, but by the feeling of the people themselves. That has been found effectual in the past, says my hon. and learned Friend. I rather differ from him. It has not been so efficient as it might be. It might be greatly stimulated and increased, but it has depended for such success as it has attained upon the feelings of the people themselves. And there we propose to leave it. If any Member of the House thinks that the practice of the past has not been satisfactory—that that should be made compulsory now which has so far depended on the goodwill of the teachers and ma-

nagers—it is competent for him to make a proposal to that effect in Committee. I therefore hope that this eccentric and superfluous Resolution may not be adopted, and that the Motion I have submitted that you, Sir, do now leave the Chair, may be carried.

LORD HENRY SCOTT said, that his only desire was to support what he considered to be the feeling of the great majority of the people of Scotland; and he felt satisfied that his hon. and learned Friend the Member for the University of Glasgow would not have proposed his Amendment if he had not felt satisfied that the Bill did not meet the requirements of Scotland on the subject of education; and therefore it was but right that before the House went into Committee they should lay down some tangible principle for their guidance with regard to religious instruction. The object of the Amendment was not to defeat the Bill or to throw it over for another Session; but it had been framed in accordance with the expression of opinion of the vast majority of the people of Scotland to which he had before referred, and which had found expression in the numerous Petitions that had been presented on the subject of Scotch education, and which had not met with any contradiction. Therefore, to describe the Amendment as superfluous, as had been done by the right hon. and learned Lord Advocate, appeared to show that the right hon. and learned Lord must have shut his ears to everything that passed in Scotland on the subject during the last four or five months. It was likewise very well to say that they could deal with details in Committee, and, no doubt, they could; but this was a question pre-eminently of principle, and without the establishment of a principle they would find themselves in a difficulty when dealing with the clauses of the Bill. For instance, the clause which provided the time and manner when religious instruction was to be given differed almost entirely from the practice of Scotland in that respect, and, therefore, it was essential that the House should first establish some principle before they embarked on a discussion of the clause. There was no religious difficulty in Scotland the same as in England and Ireland; because, however much the people of Scotland might

differ as to Church government and Church patronage, there was no absolute doctrinal differences between them, so as to affect the consciences of the parents and necessitate their removing their children from the religious teaching of the schools. For what reason, then, he asked, were they suddenly to interfere and change the system of religious education adopted in Scotland? The Bill differed essentially in many of its characteristics from the Bill of 1869, which had passed through that House; and he was at a loss to understand why, within the last few years, the Government should have so considerably altered its views upon this subject. The present Bill proposed to transfer the whole of the parochial schools from the present managers, and transfer them to an electoral body to be rated as low as £4 to the poor, notwithstanding that the right hon. and learned Lord Advocate had said—and deservedly so—that great credit was due to the school managers for the manner in which they had conducted the schools in Scotland. The Bill of 1869 likewise proposed to enlarge the electoral body; but although they had not entirely agreed upon the school committees, as they were called in that Bill, and the proportion in which the heritors were to be represented upon them, yet they had to a certain extent acceded to the manner in which it should be done, and it would have been far better if that arrangement had been introduced into this Bill. It was therefore a subject for consideration whether, if they swept away a system which had admittedly worked well, that which they proposed to substitute for it would work better, or even as well? The truth, however, was that in the parish schools very little, if anything, required to be done, and was it therefore worth while in dealing with the great towns only, to alter a system which had the entire confidence of the Scotch people? The formation of school boards in burghs and towns was the thing needed; but he could not understand why school boards were to be forcibly established in the country districts of Scotland. Moreover, he felt satisfied that they would not be able to obtain so good a board of school managers under the £4 qualification proposed in the Bill as they would have had under the proposal contained in the Bill of 1869. He re-

Lord Henry Scott

gretted to find that the Bill aimed a great blow to anything like the voluntary system, for he thought it had always been understood that from what that House had already done with regard to voluntary schools, it was not at all their intention to exclude those schools from the receipt of grants for educational purposes. A proposition, however, existed in the Bill which would make it exceedingly difficult, if not impossible, for any denominational school to receive any grant of public money, the result of which, if passed, would be to discourage all voluntary effort in Scotland. With regard to that proposition, a vast number of Petitions had been presented in favour of the existing schools in Scotland, and both Episcopalians and Presbyterians had stated that they viewed with great regret what they were afraid would prove to be the prohibitory effects of the clause, and which prohibitory effects in no degree existed under the English Bill. There was only one point more on which he wished to express his opinion, and that was on the question as to whether the schools in Scotland should be managed by the Privy Council in England, or by a Board in Scotland, and he must give his voice in favour of a Board in Edinburgh, believing as he did that the Scotch would naturally pay more attention to the Minutes of a Board who were well acquainted with Scotland and the requirements of the district, than they would to an Order in Council, given by the central authority, which had under its regulation and control the schools throughout England, the requirements of which might differ in many respects from those of Scotland. Entertaining those opinions, he should cordially support the Motion of his hon. and learned Friend the Member for the University of Glasgow.

MR. M'LAREN said, he deprecated long discussion upon the principles included in this important measure upon the very threshold of the Committee, where all its details could be considered; and he would rather take the Bill as it now stood, with all its defects, than incur the risk of losing it altogether—for the time they had left to get it through was none too long. Still, the Government themselves did not appear to be satisfied with the measure in all respects, for they had proposed several

Amendments, and he had himself given Notice of one which, when the proper time arrived, he should endeavour to convince the House was worthy of its consideration. That Amendment provided that instruction might be given in the public schools on religious subjects, but that no catechism or formulary whatever should be taught in any of the Government schools. According to his reading of the Instruction now moved by the hon. and learned Member for Glasgow University, its principle was identical with the spirit of his own Amendment, and therefore he should have no hesitation in supporting it. About 18 months ago he addressed a large meeting of his constituents at Edinburgh, when the question raised was whether the Bible and the Shorter Catechism should be enacted as part and parcel of the education of the people of Scotland, and he then stated that he thought it would be wrong to enact the teaching of the Catechism, but right to enact that the Bible should be read in preference to all other books in the schools. Six months ago, at the second annual meeting of the same Association, he repeated his statement, and from that time down to the present he had received numerous Petitions to present to the House on the question of education, and multitudes of letters, and he did not find that any one of them found fault with the opinions he then expressed. The hon. and learned Lord Advocate had argued that instruction in the Holy Scriptures was not the law of Scotland; but he had not attempted to argue that it was not the practice of the country. On the contrary, he had affirmed that it was the practice in Scotland, and rejoiced that it was. He (Mr. M'Laren) rejoiced with him that it was the practice, and he was anxious to see that good practice confirmed by enactment. If it be asked why he desired to see it enacted in different terms than those which formerly existed, his answer was, that by this Bill the whole management and all the appointments of the schools in Scotland would be changed entirely, and unless the rule was laid down in the Bill, every parish in Scotland would become a battle-field, and the discussions would be endless as to whether the Bible alone should be taught; or whether the Bible and the Catechism, or whether any other religious instruction should be

given, or whether it should be left altogether to the Churches. It was enacted by the Act of Union between the two countries, and by other Acts of Parliament with which Scotch Members were familiar—and it was well laid down by the Act of Settlement of the Crown—that Scotland should be a Protestant country, and that she should be so for all time. He (Mr. M'Laren) held by that principle firmly, and he agreed with the well-known words of Bishop Stillingfleet, that the Bible was the religion of Protestantism, and he wanted the religion of Protestants to be taught in the schools of Scotland by reading the Bible and giving a fair explanation of its meaning in the public schools. The hon. and learned Lord Advocate had stated there was no enactment to compel the teaching of the Scriptures. In that he (Mr. M'Laren) did not agree. In every Act of Parliament he had read, the spirit was exactly the reverse. When the Lord Advocate read the declaration in the Act of 1861, he omitted a very important portion of that declaration. If he had read the whole of that declaration, it would have appeared plainly that although there were no express words to teach such doctrines as “Thou shalt not steal,” “Thou shalt not kill,” yet by implication the Act of 1861 was as plain as anything could be that religion was to be taught, and that it should continue to be taught in the schools. The words of the declaration omitted by his hon. and learned Friend, and which followed the passage he did read, were the Shorter Catechism—

“Agreed upon by the Assembly of Divines at Westminster, and approved of by the General Assembly of the Church of Scotland in 1648; and I will faithfully conform thereto in my teaching of the said school.”

No doubt, if they required him to point out an exact enacting clause, he must admit that it was not forthcoming; but all history concurred in showing that the principles of education in Scotland had been imbued with these views, and that an excellent epitome of Bible instruction had always been taught. Why, then, did he ask that they should lay down a rule in this Act of Parliament, when it was laid down and had been so long acted upon? Simply because, if they did not introduce some rule of the kind, they would introduce it for themselves, and all sorts of differences would arise.

It was to avoid that strife and to get the matter settled once for all that he had given Notice of his Amendment. He did not care, if his object was effected, whether it was effected by this Instruction or by his own Amendment; nor did he care under what circumstances the Amendment was brought forward, for it was an honest Motion, honestly intended, and he should certainly move it on the proper occasion.

SIR JOHN PAKINGTON said, he was not about to discuss the merits or demerits of the Bill, but he rose to ask whether the Government were really going to offer no reply to the admirable speech and the clear arguments of his hon. and learned Friend (Mr. Gordon) on a question which was so deeply interesting to the feelings of the Scotch people that the Government ought not to pass over these arguments in silence? It seemed, however, that the Government had taken the line of treating the Motion with contempt, as a thing not worth discussing. For more than 200 years the people of Scotland had derived advantages from a system of education which we in England might well envy. In his own efforts to promote education in this country, he (Sir John Pakington) had applauded that system again and again; and what was the leading principle from which the blessings of the system emanated but the inculcation of religion and the teaching of the Bible? He challenged the Lord Advocate to deny that there was a deep attachment on the part of the people of Scotland to the principle of religious teaching in the public schools. Looking at what had lately been said on this subject, hon. Gentlemen on that side of the House had a peculiar interest in it. They could not forget the speech of the Chancellor of the Exchequer, delivered at Halifax, not long ago; nor the speech of the President of the Local Government Board (Mr. Stansfeld), both of whom declared their preference for a secular system of public instruction. Although those right hon. Gentlemen were Members of the present Government, he (Sir John Pakington) believed he expressed the opinion of a vast majority of the people in England and Scotland when he said they were strongly and directly opposed to the secular system, and were desirous of maintaining religious instruction in the schools. He was

Mr. M'Laren

at a loss to conceive how Members of the Government could consistently prefer secular education, when there was such strong proof of attachment to religious instruction as had been brought forward to-night. A respectful answer to the demonstration of his hon. and learned Friend (Mr. Gordon) on this point was certainly due from the Lord Advocate. To say that the Bill could not now be discussed was anything but a satisfactory method of meeting the arguments of his hon. and learned Friend. He believed the House would resist any attempt on the part of the Government to smother discussion on this important question.

MR. ORR-EWING said, that the right hon. and learned Lord Advocate assented to the principle of religious education when the Education (Scotland) Bill was before the House some years ago. He then said that he entirely approved of religious teaching, and his object was to make it more comprehensive than at present; that there was no test, no legal enactment that religion should be taught; and that it was taught in Scotland only arose from the good sense and the religious character of the people of Scotland. If his right hon. and learned Friend had still that object in view, why had he not given it expression in the Bill before the House? His hon. Friend the Member for Edinburgh (Mr. M'Laren) had confirmed the statement of his hon. and learned Friend—and he (Mr. Orr-Ewing) entirely agreed with him in that confirmation—that although there was no specific enactment requiring religion to be taught in the schools, yet by implication it ran through all the enactments to which he referred, and, as a fact, there was no school in Scotland but one where not only was the Bible read and explained, but the Shorter Catechism was taught daily. He did not, however, object to the compromise which had been proposed—that the Bible alone should be enjoined to be taught if the Shorter Catechism was not proscribed in the schools; but he objected entirely to their being subjected to the English Code. The English Code was a Godless one; but they in Scotland were under the old Code, which enjoined the teaching and examination in religion. But things were far better managed in Scotland. In England the board was elective; but such a plan in

Scotland would only lead to their being elected by poor householders, who would elect the teachers instead of their being chosen, as now, by the heritors and ministers; and strife and turmoil would be introduced into every parish, for no doubt there would be found in almost every parish some few persons in favour of secularism, and the result would be that there would be a great disturbance at every election. The hon. Member for Edinburgh was the true exponent of the feeling of the people of Scotland in this matter, and there could not be the least doubt of their determination to have the Holy Scriptures taught in the schools. The right hon. and learned Lord Advocate complained that Scotland was exempt from the operation of the Revised Code now in force in England; but, in fact, it was specially kept out of it, and one of the reasons why they had hitherto kept themselves free from the Revised Code was that in the parochial schools, and many others, they taught the higher branches of education. In England the Government prevented the schoolmaster from teaching, and being taught, religion; and the Inspectors had no power whatever to examine into religious teaching. If that system of secular education, by an indirect method, were forced on Scotland, as was very much dreaded, it would be repugnant to the feelings of the whole of the people. He had no sympathy with the cry in Ireland for Home Rule, for he feared they had ulterior views which would lead to the dismemberment of the Empire. But if Home Rule meant legislation in accordance with the feelings of the country, and that the strongly-expressed wish of the country was to be carried out in opposition to centralization, as displayed in the attempt to rob Scotland of the management of its schools, and place them under a department of the Privy Council which had no knowledge of the feelings of Scotland, he, for his part, should in this sense become a Home Ruler. He regretted that a Gentleman temporarily placed in a high position should avail himself of the opportunity, and go against the feelings of his countrymen by proposing in that House an Education Bill which met with no support in Scotland, and still more so that that Gentleman's predecessor (Mr. Moncrieff), who was at the same time both an honour to that House and to

Scotland, had not been allowed to give effect to the legislation on this subject when he had it in charge, as he thoroughly understood the question, and sympathized with the earnest desires of his fellow-countrymen.

MR. C. DALRYMPLE said, the hon. Member for Edinburgh had answered the speech of the Lord Advocate, but the speech of his hon. and learned Friend below him (Mr. Gordon) was as yet unanswered. He could not have imagined that the silence of the other side of the House would have been carried so far, unless the fact was, as might be not at all improbable, that its arguments were perfectly unanswerable. The right hon. and learned Lord Advocate had said that the Amendment was unreasonable, because its matter might have been introduced in Committee quite as well as now. But what chance would his hon. and learned Friend have of being able to make in Committee such a speech as he had done then? It would have been said that it was a second reading speech, and prejudice would have been raised against it on that account. The right hon. and learned Lord had said that the Resolution was erroneous — that his hon. and learned Friend had raised a mist about the subject of the old law of Scotland; but the hon. Member for Edinburgh (Mr. M'Laren) had sufficiently answered that objection. The right hon. and learned Lord had further pronounced the Resolution "eccentric;" but the language of the Resolution was such that it could not be mistaken in Scotland, and if it was "eccentric" to move that the Holy Scriptures should continue to be read in the schools of Scotland as in past times, then commend him to such eccentricity. Holding that view he hoped to see some distinct provision made for religious instruction while in Committee, and he considered that end would be promoted by the Resolution under discussion. He would ask a question which he had asked before, for it was important to remember it. Why was the Bill introduced? It was to supply the lamentable deficiency of education in the large towns of Scotland. But in supplying that deficiency, an opportunity was taken to upset the whole present system of education in that country, and he would not say to prevent, but to abridge and restrict religious education in every possible way. And yet he

ventured to say that the class of children whom the Bill was specially intended to reach, were those who, above all others, required religious training. The demand was for a national system; but he would say, not in any bitterness, but in all seriousness, that the nationality of the measure before the House appeared to consist in the omission of all direct enactments on the subject of religious education. His hon. and learned Friend had dealt fully with the law on the subject, and he was not fitted, even if he were inclined to do so, to follow him, but he could speak with confidence as to the practice. During the short Easter Recess he had had an opportunity of being present at two school examinations in the West of Scotland, in which the religious part was conducted in an admirable manner; but he could not help feeling at the same time that if the present Bill were carried, it was possible that in the future no examination of that class might ever be held again. He was far from saying that the Bill would make it impossible; but this he would say, that it threw every possible difficulty in the way. It was said that those who agreed with him in desiring some enactment in regard to the teaching of the Holy Scriptures were showing distrust of the people of Scotland. His belief in the people of Scotland carried him a long way, and his belief in their wish to have the Scriptures taught in their schools was profound and confident; but the people of Scotland were a law-obeying people, and if a measure passed that House which did not, indeed, prohibit education, but put all sorts of difficulties in the way, the people of Scotland might not find it possible to carry out their intentions. Then, again, one of the greatest misfortunes of the Bill was, that it would relegate the important subject of religious instruction in the schools to be fought out in every locality, whereas if the Resolution were carried the subject of the Holy Scriptures at all events would be taken out of the region of controversy. With respect to the Time Table Conscience Clause, he would give them the substance of what was said by an excellent pamphlet on the subject. He quoted it with the less hesitation, because he did not know who was the author of it. The writer said—

Mr. C. Dalrymple

"Whatever may be said of religious teaching according to use and wont, this at least has never been denied—that teachers have been secured full liberty, and have been expected to use every opportunity of inculcating religious truth. Now, however, for four consecutive hours this liberty is to be taken away. It is the shallowest of all sophisms to say that the proposed time-table will merely legalize what has all along been the practice. But there is a marvellous difference between a time-table which is meant to regulate and one that is meant to exclude."

By the adoption of the Resolution two important principles would be established: one, the making the Holy Scriptures a legal part of the instruction to be given, joined with all proper protection of a Conscience Clause; the other, the taking of that question out of the arena of local controversy, to which he had before referred. If asked, what was their motive in proposing the Resolution, he would reply it was plain that it was no party motive, and he thought it was equally plain they had no sectarian motive in the matter, for it was not a Resolution in favour of the Established Church of Scotland or of any particular religious denomination. The question of the study of the Holy Scriptures was a matter on which all were agreed, and which formed a bond of union between those who differed about everything else. While in the Bill they recognized the duty of the State to supply secular education, they ought also to recognize the duty of combining with it that religious instruction which, after all, was the most important part of education. If he believed that the Resolution must necessarily be fatal to the Bill, he would not give it his support; but would have taken other opportunities of pressing the question. He did not believe that it must be attended by that result, and the provision was so important that they ought not to neglect to have it confirmed at the outset of their proceedings on this Bill.

SIR GRAHAM MONTGOMERY said, he must express his surprise at the way in which Scotch Members were discussing this question; no doubt they had a reason for their conduct, but it was not on the surface, and they were not giving a question of that importance the consideration which it deserved. For his own part he was obliged to his hon. and learned Friend the Member for the University of Glasgow for raising this question, and he must say that he was perfectly justified in doing so from the

feeling in Scotland, for the Petitions presented on the subject were larger in number than any that had come from Scotland for many years, and it was astonishing to him that, seeing the interest the people of Scotland took in the measure, the Scotch Members opposite declined to discuss it. They had heard a great deal said on the law of the question from the two learned Members on the two front benches, and if he, as a layman, might venture to give an opinion, he considered the schoolmaster in Scotland was bound to teach religion; and, in fact, the practice had always been for the teacher to teach religion, but perfect religious equality was established. The system, indeed, was as near perfection as possible, and so great was the confidence in the schoolmaster, that Roman Catholics and Episcopalians stayed in the parish schools during the time religious instruction was going on; and it was within his own experience that Roman Catholic children were not withdrawn, the parents having confidence in the honesty of the teacher. In short, while the scruples of all were carefully considered and respected, there was not the slightest need of a Conscience Clause. He objected to the Bill on many grounds, the principal one of which was that he objected to the compulsory establishment of school boards in Scotland. He agreed that school boards should be established where there was a deficiency of schools in a district; but he objected to the religious element in education being handed over to the decision of the school boards, for that would only engender a religious strife in many a parish in Scotland; and if he were convinced of one thing more than another, it was that the people were hostile to any secular system. They had seen that system tried in other countries, and they had seen it fail. They knew that clergymen and parents were too much occupied on week days to teach the children religion; besides, they knew that many of the parents were incompetent, and therefore they held that the school was the proper place for teaching the children religious truths. He did hope, therefore, in the face of the strong opinion on this subject in Scotland, the Government would consent to put words in the Preamble of the Bill which would recognize that religious instruction should be given in the schools of Scotland.

SIR JOHN HAY said, that during the absence of the noble Lord the Member for Wigtownshire (Lord Garlies) he had had the honour of presenting Petitions from Wigtownshire and the Wigtown Burghs, which the right hon. and learned Gentleman the Lord Advocate represented, against the Bill. Those Petitions, as the right hon. and learned Gentleman knew, were of considerable importance, and signed by more than 8,000 persons. He had been informed by the chairman of the Stranraer meeting that that Petition had been analyzed to ascertain its real character, and the right hon. and learned Gentleman was aware that a very large majority of the majority who returned him to Parliament had petitioned against the Bill. Of 675 voters on the list, 470 had signed the Petition, only 113 refused to sign, and 92 signed in other places; so that four-fifths of one particular town, which was the principal town the right hon. and learned Gentleman represented, were opposed to the Bill which the right hon. and learned Gentleman now proposed to the House. Similar Petitions, moreover, had been presented from other parishes in the county, and from the two other burghs which the right hon. and learned Gentleman represented, and in all the cases a very large majority of the voters had petitioned against the Bill. That showed—if Petitions showed anything—that the strongest repugnance existed in Scotland against the Bill, and against any measure which should not distinctly recognize that which had hitherto been the practice and the law of Scotland—that all education should be based upon religious teaching. Religion, grammar, and the Latin language were the three matters which it was distinctly provided by the first book of discipline should be taught in the parish schools of Scotland. The Act of 1567 distinctly enunciated the godly upbringing of the young; and that was one of the Acts which they were about to repeal. Having taken considerable pains to inquire into the subject, he declared that he sympathized entirely with the feelings of the whole population in the neighbourhood in which he generally resided, who had urged upon him the strongest opposition to the measure which had been introduced by the Government. The necessity for religious instruction being given in the schools was shown by an instance that came within his own

knowledge respecting a school which was principally maintained by himself in the parish in which he resided, and regarding which many persons had expressed to him a hope that he would run the risk of losing the advantage of Government inspection, rather than allow the school to be conducted in accordance with the provisions of that Bill, should it become law. He spoke of a school which was of considerable value in a district in which he had property, and as to which the Government Inspector had reported that out of 113 on the roll, there was an average attendance of 60, and that the scholars continued to exhibit the result of highly skilful teaching. There were attending that school Roman Catholics as well as Presbyterians of every denomination, and he had never heard that the slightest difficulty had been experienced in enforcing the Conscience Clause. Religious instruction was not there left, as suggested by one of the Birmingham League, to be merely the trimmings of education. Another point to which the greatest possible objection was taken was the want of a Scotch Board. The people of Scotland had no desire to be governed from London in regard to local affairs. They wished to see a Scotch Board created, which would have a perfect knowledge of the wants of the people, and which should be ready and willing to enter into their wishes. Another matter upon which the strongest feeling existed in Scotland was that the Bill provided no minimum salary for the schoolmasters. The schoolmasters of Scotland were an intelligent body of men, and it was by no means desirable that they should be thrown upon the parish, to be the shuttlecock of every disputant who was dissatisfied with their teaching, and without the means to uphold their position with dignity and effect. For those reasons, he should support the Resolution of his right hon. and learned Friend; and he could only trust that the silence which had been maintained during the debate by hon. and right hon. Members opposite implied consent to it also.

MR. BIRLEY said, it was impossible to read the Bill, and more especially the 65th clause, without coming to the conclusion that there was a covert foregone intention on the part of the Government to crowd out religious education

from the course of instruction in Scotch schools; and that in that respect it differed for the worse from the English Education Act of 1870. Now, the people of Scotland desired to retain their time-honoured religious observances, and no Bill would be effectual that did not fully recognize and give effect to that desire. The present Bill did not accomplish that object, but seemed to have been deliberately framed for the contrary purpose, for four hours was almost all the time at the disposal of the children, yet it was stipulated that four hours at least of secular instruction should be given to the children, and that religious instruction, if any, should be given before or after this four hours' secular instruction. The very words "if any" clearly indicated the animus of the framers of the Bill. He regretted the persistent silence maintained by hon. Gentlemen opposite, and could only hope that it was not the result of any previous compact or arrangement, because such private arrangement was not creditable to the House, and much more honoured in the breach than in the observance. On the part of the great body of English Members and English people, he desired most emphatically to protest against any endeavour to curtail the opportunities now afforded for religious instruction in Scotch schools, and whether the Resolution were carried or not, he trusted the result of the discussion would be that the Government would give some definite assurance that clauses would be introduced to satisfy the people upon this point.

SIR JAMES ELPHINSTONE said, he regretted extremely that the course taken by the Government in this matter, in ignoring the cardinal and essential principles of the ancient system of education pursued in Scotland, should have obliged those who differed with them to come forward and deliberately, in the face of the country, move a Resolution pledging the Government to maintain that system of education which had been the means of raising their country to the high position that she at present occupied. Since he had had the honour of a seat in that House, now nearly 15 years, he had seen various Education Bills for Scotland introduced, but in none of them were the great fundamental principles of their education neglected or overlooked. It

Sir John Hay

was because in the present Bill those principles had been laid aside and ignored, that he and his Friends now came forward with the Resolution which his hon. and learned Friend had moved. He could not help characterizing the present measure as a Godless and infidel Bill, which, if it did not exclude altogether religious teaching from the schools in Scotland, treated that important subject in such a manner that it might be abandoned or wholly neglected at the whim or caprice of an ignorant school board, liable to be acted upon by various causes, and in whose hands, therefore, the education of the country could not, he thought, be safely placed. What was religious education? He himself had first of all been brought up in a parish school, where he had the pleasure to sit beside the fathers of some who were now hon. Members of this House, and who there received their education according to the principles acted upon in the parish schools of Scotland. He could, therefore, certainly state that religion was made the foundation, and pervaded every portion of the instruction there given. He would ask how it was possible to give a sound and healthy education without permeating it with religion, just as water permeated their food and drink? He said they could not do it. The various sects who composed the Presbyterian Body in Scotland were all agreed in the main points of their creed, and all alike held that the teaching of the Scriptures and the Shorter Catechism—the production of the greatest Protestant divines—should form the basis of the education given in the schools in Scotland. That being so, on what present pretext could Her Majesty's Government come forward and lay a Bill on the Table of that House which was certain to be most distasteful to the feelings of the people throughout the length and breadth of Scotland? This Bill was brought forward because Her Majesty's Government had got themselves into such a position with regard to education that they were obliged to bring forward a secular measure of education in order to save themselves from the consequences of their previous legislation on the subject. The question was, whether they were to go into Committee on a Godless Bill, and they should divide the House on that question, so that the people of Scotland might know

VOL. CCXI. [THIRD SERIES.]

who were the men who voted with the Government in carrying forward a measure of that description. They might rest assured that if the religious instruction of the children of the lower classes were left to the parents it would be totally neglected. It was absurd to expect parents who neglected their children, and allowed them to roam about and fall into crime, to give them religious instruction; while a mere secular education would only serve to perfect such little street Arabs in the arts of knavery. Neither could the honest workman who toiled early and late find time to impart religious instruction at home to his children. This Bill, therefore, like everything else brought forward by Her Majesty's Government, was "a mockery, a delusion, and a snare." Their policy of pains and penalties—so conspicuous in the case of the Ballot Bill—reappeared here, because they proposed to subject the parent who refused to send his child to their Godless schools to a fine of £5, or 30 days' imprisonment—the punishment to be repeated at intervals of not less than six months. The child itself also, if it absented itself from school without sufficient excuse, was to be apprehended without a warrant, and sentenced to imprisonment. The Bill was opposed by the whole body of schoolmasters in Scotland, with a proper *esprit de corps* and a due respect for religion. In that part of Scotland with which he was the most intimately acquainted the funds available for educational purposes had been supplemented by special bequests, by which the salaries of the schoolmasters were brought up almost equal to the stipends of the clergymen, and the result was, that the school managers in the district could command the services of men of higher talent than they otherwise could have done, and that the education given was far superior to that given in other parts of the country. The young men who had been educated in the schools to which he referred were to be found in positions of trust all over the world, and they had one and all traced that power to resist temptation, and that earnest desire to discharge their duties faithfully that so greatly distinguished them, to the religious instruction which they had received at those parish schools. The question before the House was, how were those

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schools to be dealt with? By the Government Bill those establishments were to be handed over to school boards. But how were these school boards to be constructed? In the greater part of the North of Scotland the farms were exceedingly small, and the farmers—of whom the school board would consist—were not themselves sufficiently well-educated to fit them for discharging the duties which would be imposed upon them. The attainments of a schoolmaster were not likely to have such weight with them as to counteract the family influence that would be brought to bear upon them by their well-to-do friends and neighbours. He, for one, therefore, should object most strongly to entrusting the education of the country to such tribunals. Most of the Education Bills relating to Scotland introduced into that House appeared to him to be brought forward rather as a compromise between conflicting interests than as the result of an honest desire to settle the question on sound principles. The statistical data upon which this Bill was founded showed, he admitted, that in certain parts of Scotland there was a largely increasing want of school education for the young; and, for his part, he should be happy to follow the Government, if they would bring forward any rational proposal for meeting the evil so indicated. He objected, however, to a sweeping operation which took no note of the exceptional and special requirements of different localities, but forced what was termed a national system upon the whole country alike. Let the Government deal with the great centres of population, and erect schools for the education of the large numbers of children who were without it; but it would be most unjust and most unwise to deal in a similar manner with the rural districts, in which there was no want of educational power or of adequate administration, in which the standard of education was of the highest class, and in which a state of things existed with which the people were perfectly satisfied. Were the Government to pass this Bill in its present form they would find that they had only evaded, not settled the question. They were now in the extraordinary position of seeing the whole of the Liberal Members who represented Scotch constituencies—or rather of not seeing them, for they appeared to have all gone to dinner—but it was at any rate

a very remarkable thing that the Scotch Liberal Members in that House appeared to have received the command—"Silence in the ranks!" and were afraid to speak. He challenged any hon. Member on the opposite side of the House to answer him. [Mr. CARNEGIE: Hear!] He was glad to hear the hon. Member accept his challenge, and he trusted that he would not be the only Roderick on the hill. Hon. Members on the other side of the House had been educated by the right hon. Gentleman the Prime Minister. He had taught them to rob Churches, to disregard the laws of property, and now he was endeavouring to force them to throw away the great talisman of our country—the religious education in our schools. Had he, four or five years ago, asked many hon. Members opposite whether they were prepared to reject religious education in the Scotch schools, each would have replied—"Is thy servant a dog that he should do this thing?" He trusted that the House would not hastily throw aside principles which had raised Scotland to the pinnacle of glory—the principles so beautifully expressed in the *Cotter's Saturday Night*, which had made our statesmen to hold the highest rank in the councils of nations, and in the walks of science, and which had led our battalions to conquest in every part of the globe.

MR. CARNEGIE said, considering the challenge which had been made by the hon. and gallant Member for Portsmouth, he might at any rate have remained in the House to hear what he (Mr. Carnegie) had to say. The sole remark he intended to make was this—that a speech made avowedly against time did not require an answer.

MR. EASTWICK said, he remembered hearing a statement by Mazzini—a man of strong but peculiar religious opinions—that Christianity was fading out of the world; and in proof of this he mentioned one country after another till he came to Scotland, where, after a pause, he said, "Well, if religion is left anywhere, it is in Scotland." Now, it was the noble ambition of the right hon. and learned Lord Advocate to obliterate this distinctive feature of his country. ["Oh!"] He had, indeed, disclaimed such a purpose, and had alleged that the Bill made no alteration with regard to religious teaching—a statement more astonishing than any he had ever before heard made

Sir James Elphinstone

in that House. If no alteration was made, what was the meaning of the Petitions of 200,000 persons against the Bill, and of the Amendment to be moved by the hon. Member for Edinburgh (Mr. M'Laren) who intended to support this Resolution? The difficulty was to find a part of the existing system which was not changed by the Bill. It would place the general management of the schools under a London Board—a most obnoxious arrangement—and it would transfer the local management to school boards, while inspection was to be universal. As to religion—where the greatest change of all was made—the Lord Advocate had maintained that there was no legislation on this point; but he had overlooked the fact that use and wont was tantamount to law, and that it prescribed religious teaching in Scotch schools. Clauses 63 and 64 excluded such teaching from inspection and grants, and Clause 65 provided that a child might be withdrawn from it; that it should not thereby be placed at a disadvantage; that the secular teaching should be continuous for at least four hours, which probably meant five or six; and that religious teaching should be given prior to, or at the end of the secular instruction. Time also was allowed for recreation; and religion was not to be suffered to curtail the time allotted to anything else, even that given to amusement. Now, there was a difficulty in teaching even a subject which the pupil was anxious to learn; but what appetite would he have at the end of the day for religious teaching, the duller of all subjects to a child? A few days since the subject of the International Society had been brought under the notice of the House. The Society had issued a manifesto in which they declared that they had turned their backs on God. The Government, no doubt, had put forth no such manifesto in words; but though they had not avowed their intention to turn their backs on God, they would avoid His presence by endeavouring to hide among the trees of the Garden of Secularism.

MR. WHEELHOUSE, as an Englishman, asked the House to consider this measure seriously, because in its essence it was not more Scotch than it was English, or perhaps than it was universal. Bearing in mind the moderate language in which the right hon. and

learned Member for Glasgow University—himself an ex-Lord Advocate—had couched his Resolution, he could not see how anyone in that House could entertain a doubt as to the propriety of carrying it. The Government measure appeared to him to be the first attempt to make the people of Scotland declare that henceforth they would care nothing for religion throughout the length and breadth of the land. He wished to call the attention of Members who professed Christianity to the placing of the two words “if any” in the clause—the 95th—which spoke of religious instruction and religious observances. The insertion of those words, “if any” meant simply that the Government, so far as they could, intended to ignore all creeds, and that it should not be necessary for the school boards established throughout Scotland to require that religion should be taught in the schools under their jurisdiction. This was not merely a Scotch question; it affected the well-being of the United Kingdom. He was astonished when he heard of the declaration of the Lord Advocate at Stanraer, that this Bill neither proscribed nor proscribed religion, for the Bill was framed in a way that showed the Government did not want religion, and did not care about it. In the framing of this measure the Government had treated religion in Scotland as one of the trammels of which they wished to get rid. The insertion of the before-mentioned two words “if any” was an unanswerable proof that such was the spirit which dictated the framing of this Bill. Then, what was to be said about the 200,000 Scotchmen who had petitioned against the Bill in its present form? For his own part he believed that of all the teachers in Scotland, not 50 could be found who desired to eliminate the religious element from their schools. In fact, their religion was so bound up with their character, that they could not forego the teaching of the Catechism and the faith in which they had themselves been instructed in their childhood, even if they would. He regretted exceedingly that many of the representatives of Scotch constituencies who ought to have addressed the House, and whose votes might have affected the division on the question were absent. The electors in Scottish constituencies ought to look at the reports of this dis-

cussion, in order to see how many of the Members who ought to have spoken on this subject had addressed the House, and how many Members who ought to have been present had absented themselves. Had it gone forth that silence was to be the order of the evening? If not, what was the reason why hon. Members who ordinarily took considerable interest in matters affecting North Britain had spoken scarcely one single word? Perhaps they were conscious that if they gave utterance to opinions in favour of the Bill, they would be called upon to render an account to their constituents. If a good Education Bill could be passed for Scotland, by all means let it be passed; but let them not make an actual denial of faith the basis of a Scotch, or indeed, of any Education Bill. But this Bill of the Government not only did not prescribe religious instruction for Scotland, but practically, by ignoring, proscribed it. The common sense and the thrift for which the people of Scotland had been distinguished from time immemorial, was owing in great measure to their determination to have secular combined with religious instruction. Wherever Scotchmen had been educated, the first principles inculcated in their minds was that whatever else they might remember, they must never forget the faith in which they had been brought up, or in the God in whom they believed. He ventured to think that it had been owing to the firm and decided determination of the people of Scotland, for ages past, that secular education should never be separated from religious instruction, which had made them what they were. Was it to be said, to-day, that the time-honoured history of three centuries was to be forgotten or despised—and that, too, in a country where the memories of such men as John Knox still flourished and held place in the strong affections of their fellow-countrymen? He hoped from the depths of his heart, that the day was far distant when the teachings of 1560 would be so ruthlessly swept away by anyone—least of all, by those who professed so energetically that they had the education of the people of North Britain so warmly at heart.

MR. SCOURFIELD said, that one or two clauses, and more especially the 68th and 69th, affected the liberty of the subject so seriously that he could not refrain

from pointing them out. If a parent failed to provide elementary education for his child, the Bill provided that, on the statement of the officer prosecuting, he might be fined £5, or be imprisoned for 30 days; and, in the event of the offence being repeated and continued, he was to be sent to gaol for six months; while in another clause it was provided that there should be no appeal. ["Question!"] That was a very serious question; for what with these penalties under the Scotch Education Bill, and those under the Ballot Bill, they might, if such measures were passed, expect to see a considerable part of the population in gaol; and, moreover, no Government had the right to impose penalties without giving the power of appeal. Then, with regard to the separation of secular from religious instruction, any attempt to do that would be productive of great mischief; for religion could not be separated by rules and regulations from the common affairs of life, into which it so largely entered. Those were principles which, if violated in Scotland, would affect England also; and for that reason he rose in his place to oppose their adoption of the Bill.

MR. WILBRAHAM EGERTON said, it would be in the mind of the House that the Gentlemen who took part in the Nonconformist Conference at Manchester discussed the very question at issue with reference to its bearing upon the greater English one; and he should have expected some hon. Members who spoke at that Conference to lay their views before the House. In fact, the mover of a resolution which was passed at that meeting about this Bill, said that on its principles and provisions would depend the character of subsequent legislation for England and Ireland; and that the Bill would furnish a precious opportunity for preventing in Scotland the evils which had been found so grievous in England; and for securing, as far as education was concerned, the separation of religion from all State supervision and control. That was the issue Nonconformists had raised as regarded England, and were attempting to raise now. This Bill was their battle-ground, and, if they could succeed in carrying it, they thought they should be able to apply similar provisions to England. He read the proceedings at Manchester in the light thrown upon them afterwards by

Mr. Wheelhouse

the right hon. Gentleman the President of the Local Government Board (Mr. Stansfeld), who told hon. Members who had proposed the repeal of Clause 25 of the English Act, that if they would persevere, they would in all probability attain their object. The resolution carried unanimously at Manchester was to the effect that the Scotch Education Bill ought to contain no provisions that would permit religious teaching at the public expense, or give support to denominational schools. Therefore, the issue now raised was—Is religious education to be given in the schools of Scotland? The answer to that issue would be, that if this Bill were carried for Scotland, there would be renewed agitation against the scheme in operation in England. That was a question well worth the attention of English Members; and after what had occurred at Manchester, he should have expected that hon. Members opposite would have stated their views here, in order that they might be answered.

MR. F. S. POWELL said, he could not give his entire adherence to the opinions expressed by some of those with whom in the main he agreed; for instance, he could not assent to the wish of his hon. and learned Friend the Member for Leeds (Mr. Wheelhouse), that the Bill should not become law. On the contrary, he had a strong desire that during the present Session Parliament should deal in a vigorous, comprehensive, and final manner with education in Scotland, for there had been far too many Bills and too many debates, and the season had now arrived when not by means of the silence of one side of the House, but by means of a full discussion on both sides of the House, the question should be solved. The hon. and learned Member opposed the universal election of school boards; but at present there existed throughout Scotland legally-constructed educational machinery; and the question now was, not whether there should be in every parish an organization for the conduct of education, but what was to be its nature, what was to be the electoral body, and how the elections were to be conducted? The speech of the right hon. and learned Lord Advocate was characterized by a certain asperity of tone; but it contained one welcome admission as to the importance of religious instruction in the schools in Scotland; the proposing of the Resolution had elicited

a late and reluctant declaration of regard for religion in education in Scotland; and, as a lawyer, he wished to have that declaration in writing in the form of a statute. Recently he read with interest and sympathy a sorrowful letter addressed by the hon. Gentleman the Under Secretary of State for the Home Department (Mr. Winterbotham) to his constituents, in which the writer stated that he was a member of the Education League, and that it was the opinion of himself, of the Prime Minister, and of his constituency that the difference of opinion between himself and the Government was no reason why he should not hold his present office. Then, the hon. Member added, there was a Scotch Bill which evinced a great advance in public opinion, and he had no doubt that that Bill, if it passed, would furnish a precedent for England. With that warning from one who was in training for the Cabinet, he was entitled to protest against the application to Scotland of doctrines abhorrent to his sentiments, and the application of which to England he would repudiate. The Government, moreover, could not complain of the length of the debate on this Bill; for on the second reading debate was stifled or drifted from the main question, on a Motion by an hon. Member opposite (Mr. Auberon Herbert), who raised the flag, hateful both in Scotland and England, of secularism pure and simple. Again they were witnessing that magnificent silence which concealed differences, and obscured, though it did not extinguish, animosities—for while the right hon. Gentleman the Member for Bradford (Mr. W. E. Forster) was anxious for a religious education in England, the right hon. Member for Halifax (Mr. Stansfeld)—at Halifax, but not in the House of Commons—was an advocate for secular instruction only. There appeared, therefore, to be reasons for the silence which was imposed on the other side. He hoped, however, that mysterious silence would not continue; and though it was often said during times of tumult, that agitators were silenced by being sent to Parliament and having an opportunity of there expressing their views, yet Her Majesty's Government were now, by that mysterious voice which commanded silence, exciting debate out of the House of Commons, assembling meetings at Trafalgar Square, and inviting Birming-

ham and Manchester to summon tumultuous and riotous crowds. He desired a more emphatic declaration than had yet been given respecting the future educational policy for Scotland; for instance, there was a Conscience Clause in the Bill, far less favourable to religion than the Conscience Clause applicable to England. He also dissented from the policy of the Bill in reference to denominational schools, and trusted that it would not become a precedent for England as to the unfavourable treatment to which those schools were exposed. There was a clause in the Bill which dealt with the future position of denominational schools, and that clause provided that Parliamentary Grants should not be made with respect to denominational schools established after the passing of the Act, unless the Education Department should, after due inquiry, be satisfied that a grant was specially required, and that a majority of children in attendance were of the denomination to which the school belonged. Now, some Episcopal schools were resorted to in such numbers in Scotland that the majority of the children were Presbyterians; and as that clause affected them, it was a hardship that the schools should be punished for their efficiency, and the popularity of the instruction given therein, by being deprived of any share in the Government Grant. He also objected to the three years' tenure of a seat on the school board, unless, as in England, it was acceded to for the sake of the cumulative vote which accompanied it, the term being too long to allow any man to hold unquestioned the very important powers vested in such a body. In treating on the subject he had not entered into any questions peculiarly Scotch; but the great change which was now proposed for Scotland might before long become a precedent for England, and the people of England had abundantly shown their adhesion to the cause of religious education. They believed that it was the desire of the children, the wish of the teachers, and the true policy of Parliament; and looking to the people of Scotland, he was not able to see any less love of religion on their part. An Education Bill for Scotland, if it were to be in accord with Scottish sentiment, must be at least as favourable to instruction in religion as an English Education

Mr. F. S. Powell

Bill. He hoped the Bill before the House would be considerably amended in Committee; and that it might through many generations prove a real settlement of the question, and give to the people full and complete education in religious matters, combined with the fullest regard in each case for the dominant rights which every parent ought to possess over the education of his child in a free and Christian nation.

LORD GARLIES said, he had heard with great astonishment his right hon. and learned Friend opposite (the Lord Advocate) say that he could not accept this Resolution, and more especially when he considered the words that were made use of by the right hon. and learned Lord in reply to that Resolution. Why he should have said he could not accept that Resolution, when he said that he approved in reality of religion being taught in Scotch schools, was more than he (Lord Garlies) could understand, for nothing, he thought, was so objectionable as providing secular instruction for the young without providing religious instruction also. His objections to the Bill were two-fold—first, he would consider it from the principle of secular instruction; secondly, he held that the object of the Bill was to supplant a system which had been in vogue in Scotland for centuries—a system which had been proved to work thoroughly well, and a system which, in consequence, was thoroughly endeared to the hearts of the people of Scotland. And by what was that system to be supplanted? By one which he might characterize as at least novel and experimental. He should like to ask, for the benefit of whom was the Bill introduced? Was it introduced for the benefit of the great majority of the people of Scotland? No; for he denied that, taking the different religious bodies one by one, any one of them ever proved by their conduct that they wished their religion to be placed on the footing proposed by the Bill. First, there was the great Presbyterian Body, embracing several sects; then there were Episcopalians, some Anglican and some Scottish; then again there were a great number of Roman Catholics. He would not allude to Secularists, for he was happy to say that in Scotland Secularists were *non est*—he meant to say Secularism was *non est*. No one would say that the Roman Catholics had any desire in that

direction; while in regard to Episcopalians, the Bill could not have been brought in at their instigation, for certainly, from his knowledge of Episcopalian schools, he could testify that there were many Episcopalian schools which were the most popular in Scotland, which were attended entirely by Presbyterians, and in which subjects from the Bible were always made the basis of instruction. As regarded the Presbyterians, it was his firm conviction that the majority of the United Presbyterians would not approve of the leading principle of this Bill—namely, the secular principle; and as regarded the Free Church, he was convinced that a decided majority did not approve of the permissive secular principle; in short, not a man, he would venture to say, of the Established Church of Scotland throughout the length and breadth of the country, would at all tolerate the leading principle contained in this measure. In proof of those statements, he might instance the Petitions which had been sent up to that House on this subject, for 1,670 Petitions had been sent up complaining of the measure brought forward by Her Majesty's Government, a fact without parallel in the history of Scotland. He would not trouble the House with figures respecting his own constituency, as it might be presumed from the fact of his being there, that they agreed with his views; but there was a group of constituencies—the Wigton Burghs, for which sat his right hon. and learned Friend the Lord Advocate—and he would prove by what was going on there that in that part of Scotland this measure met with no sympathy whatever. That group of burghs consisted of four. Two of them were not in favour of the Lord Advocate; the third one was insignificant; but he would take a larger burgh, which practically did return him to this House. He would take the burgh of Stranraer, which returned the right hon. and learned Gentleman by a majority of 2 to 1, and he would show the feeling of that burgh on this subject. He could only assure the House that, instead of his having a majority on this subject, out of 675 voters who formed that part of the constituency, no less than 670 had petitioned against the Bill. Hon. Gentlemen who represented Scotch constituencies must be aware that the Bill was repugnant to their principles. ["No, no!"] Then

he came to what was the key and solution of a measure of this sort, and which he must say he had sought for some time, for it was a puzzle, and he thought it would perplex any one in endeavouring to discover it. There might be two solutions; certainly there could not be more. One solution he had arrived at was, that by some unfortunate accident his right hon. and learned Friend, instead of consulting the constituencies, and other parties who might have been able to inform him of the wishes of the people at large, had got the ideas of a few gentlemen who, from feelings of jealousy, were anxious that a Bill of this principle should pass through Parliament; and he made no secret of it that there were two gentlemen, ministers of the Free Church and the United Presbyterian Church, whom his right hon. and learned Friend might have consulted. There were also a few ministers of those Churches who, from feelings of jealousy towards ministers of the Established Church of Scotland, were anxious that this or some such Bill should pass through Parliament. That was one solution. There was another solution. It would be remembered that in the autumn of 1868, the country generally was informed that there were various branches of the Upas tree which required pruning. Well, they knew there was still one branch of the Upas tree which remained unpruned. It would be remembered also that the Government had found some other Nonconformist Friends below the gangway remarkably troublesome, and it seemed to him to be a possible solution that the Bill was brought forward to solve the difficulty connected with that other branch of the Upas tree; and that Scotland was to be made a lever to bring back these Nonconformist supporters of Her Majesty's Government. The right hon. Gentleman would sacrifice the Ultramontane vote in Ireland in hope thereby to secure the support of the whole Nonconformist element in England and Scotland. He (Lord Garlies) hoped, however, that in the result the anticipations based upon that hope would not be successful.

MR. G. BENTINCK said, he thought no one who was in the House could fail to observe—and he spoke more especially with regard to Scotch Members—the remarkable silence which had been maintained during the discussion on the

Liberal benches, a silence for which he was unable to account, except by the supposition that, as last year in the debates on the Ballot Bill, orders had been issued from high authority on their own side. There was, however, another and, perhaps, a still more plausible reason for it, and that was that a schism existed in the opposite ranks, a schism which in fact could only be cured by silence; but be that as it might, he and those with whom he acted were opposed to the present measure, because they had a prejudice in favour of mingling Christian teaching with education—a prejudice which might not be shared by the right hon. Gentleman at the head of the Government. They were also opposed to the Bill, because its obvious object was to establish the principle of purely secular education throughout Scotland—a principle which the Government dared not attempt to carry with respect to England; but what he should like to know had Scotland done that she should be supposed to feel less interest than England in Christian teaching? He might remind English Members, too, that that which was once established in the former country would soon be drawn into a precedent for the latter, and that they would have a system such as that which it was proposed to carry out by the Bill sooner or later set up on this side of the Border. He had, he might add, listened to a great many discussions on the subject of education, and always, he must confess, with the feeling that they were farther from a satisfactory solution of it than ever. The reason was, that there was too much sectarian acrimony introduced into the question both in the House and out-of-doors. If people would only deal with it in a different spirit, it might be solved without much difficulty. Many objected to all education; some of them because they were utterly indifferent on the subject, others because they believed that the advantages of education were abused. The right hon. Gentleman at the head of the Government, for instance, had learnt to read; but if he had never done so he could not have read *The Secularists' Manual* to a public meeting of his countrymen, full as it was of Communistic teaching and infidel doctrines. He had no wish, however, to treat the present as a party question, and therefore he would point out that in another high quarter also there had

been an abuse of the advantages of elementary education. Nobody could doubt that the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) had learnt to write, for there were abundant proofs of his powers in that respect. But if he had never learnt to write he could not have written *The Revolutionary Epic*, which abounded in such unfortunate, he might say such dangerous, doctrines, that it might perhaps be more appropriately called *The Regicide Manual*. Speaking more particularly to the question, he trusted that the details of the Bill would be very carefully considered in Committee; and he quite agreed with what had been said about the importance of selecting teachers, as he thought that to educate without religious instruction was simply to put a dangerous weapon into the hands of a man who did not know how to use it. If they educated a man without making a Christian of him, they simply entrusted him with the power of mischief without any controlling influence. He, therefore, could not understand how any religious man could uphold a system of purely secular education. Were such a system persevered with, he believed it would be a retrograde step in civilization in this country, a movement towards barbarism; but he had faith in the strong sense entertained by the people of this country of the value of religious education, and was sure they would scout any proposal like that contained in the Bill.

Mr. HERMON said, he had been requested by some Scotch friends of his, if there was a silence on that side of the House, to endeavour to represent the people of Scotland. The people of Scotland took notice of what passed in that House, and through him they desired to say that not only did they wish the Bible to be read, but they wished it to be explained and taught in the schools. If that were not the feelings of the people, he hoped that Scotch Members opposite would stand up and say so. Meanwhile, he should heartily support the Motion.

Mr. GREENE said, that as no Scotch Member opposite would defend the system of education which the Scotch people desired, he would endeavour to do so. In doing so, he must say that he was never more surprised than to find that such a Motion was necessary when applied to Scotland, a country beyond all others desirous of having the people reli-

Mr. G. Bentinck

giously taught, and of making religion the groundwork of education; and he was afraid the question to-night was that of the Prime Minister *versus* the Bible, and that Scotch Members would sacrifice a great principle to support a Government. Let that be told from one end of the land to the other. An American gentleman of high station who was staying with him lately, told him that in his opinion a purely secular education in the United States was undermining the religious principles of the people, and that infidelity was making rapid progress; and he (Mr. Greene) maintained that the downfall of England would commence from the day a similar course of education was adopted in this country. As to England the House had decided to retain Clause 25, yet hon. Members on his side of the House were now endeavouring to defend the same principles against the Government. He was sure the Scotch people would thank them for what they were doing to-night, and was very much mistaken if Scotch Members who voted against the Motion ever returned to the House, a result he should regret for many reasons, being Conservative enough to regret missing the faces he was accustomed to. The Prime Minister had been followed too long. For once let hon. Members opposite to-night give an honest vote, and assert the vital importance of religious education among the people.

MR. J. G. TALBOT said, the Motion was one which he should have thought would have obtained the unanimous verdict of that House and of the Government in its favour, and it was because it had not done so that it assumed features of the gravest importance. By the votes against the Motions of the hon. Members for Birmingham and Sunderland the feeling of the people of England seemed all but unanimous on this question; but there was an attempt to heal the differences of the party opposite on the question of Scotch education, and there had also been an attempt by a snap division to defeat the Motion, and thus stultify the opinion of the House pronounced on the two occasions he had mentioned. That was the reason why the silence of hon. Gentlemen opposite was so ominous, and hon. Members on that (the Opposition) side had endeavoured to keep up the debate in order that the House might be able to express its views

decidedly on the question before it. It would be seen at a glance that religion was not honoured in the Bill of the Lord Advocate, though it might be true that it was not excluded, and the right hon. and learned Member for the University of Glasgow attempted by his Resolution—which was perfectly harmless—to recall the House to the position which religion ought to occupy. But how had the right hon. and learned Gentleman and those who had supported him been met? They had not been told that the object of the Resolution would be carried out in Committee; all that they had had from the other side was determined silence. But that was a subject on which hon. Members opposite ought to have a good deal to say, for the Vice President of the Council was a man who had carried through one of the most important Acts on the subject of education that had ever been passed in this country. The Prime Minister, too, as everyone knew, not only took an interest in the question of education, but was closely connected by ancestry with the portion of the kingdom with which this Bill had to deal. But from neither of these right hon. Gentlemen had a word fallen on this important question. Then, again, the hon. Member for Perth (Mr. Kinnaird) occupied a well known position in the religious world; the hon. Gentleman figured occasionally on the platforms of Exeter Hall, and yet he had not a word to say. There were, likewise, other hon. Gentlemen opposite representing Scotch constituencies, and from only two of them that evening had the House heard the least expression of opinion. If a division had been taken at the time when an attempt was made to snatch a majority from that House, he was convinced that while some hon. Gentlemen would have been conspicuous for their absence, others would have been equally conspicuous for their presence. The hon. Member for Sunderland (Mr. Candlish) would have been in his place, so would the hon. Member for Birmingham (Mr. Dixon), and the hon. Member for the Border Burghs (Mr. Trevelyan). Those hon. Gentlemen had shown that they were extremely anxious for a division. Well, putting together the silence of the Government and the silence of what he might call the religious section of the party opposite; yes, for there were

gentlemen who out-of-doors were quite willing to range themselves under the secular banner, though in the House of Commons it had not yet become popular to express any contempt for religion. But, putting together the silence of the Government, and of what he might call the distinctly religious portion of the Liberal party, and the anxiety of the secular portion of that party for a division, hon. Gentlemen on that (the Opposition) side were perfectly justified in giving their support to the Resolution of the right hon. and learned Member, and taking care that no division should be come to except in a full House.

MR. COLLINS said, that although there had been rather an unseemly spectacle that evening, he was not one of those who complained of party tactics if they could be justified by success; but hon. Gentlemen opposite had fallen into a great mistake, and had not acted with the caution and discretion which usually characterized their proceedings. He met the hon. Member for Shaftesbury (Mr. Glyn) this morning, and when that hon. Gentleman asked when the division would be, he told him about half-past 11. Hon. Members opposite ought to have known very well that there was no chance of their obtaining a snap division on this important question, and it would, therefore, have been more in accordance with the proceedings of the House to have endeavoured in some shape to reply to the arguments brought forward on that side of the House. English Members had a right in looking at the Bill to compare it with the measure of 1870, and to see how far, being a worse Bill, it might be made a precedent for England on a future occasion. They had a right to inquire also whether it was in the interest of the friends of religious education—that was of those who wished that the schoolmaster should combine religious with secular education—or in the interest of the Birmingham party, who wished as far as possible to divorce religious from secular teaching, that the Bill was framed, because the model dogma of that sect was, that it was improper that the schoolmaster, whether paid out of the Consolidated Fund or out of the rates, should be the person to give religious instruction. Now, the English Bill was intended, as far as possible, to supply deficiencies where deficiencies were proved to exist,

Mr. J. G. Talbot

and it contained this principle—that the new schools and the schools in the hands of voluntary managers should be placed on precisely the same footing; but he did not find that principle in the Scotch Bill. Then, again, in the English Bill, every school was a public elementary school which had these characteristics—the children must pay a certain amount of school-pence, the schools must be open to inspection, and they must have a Time-table Conscience Clause; in fact, the English system was one which permitted the creation from time to time, and the continuance side by side of Roman Catholic schools, Jewish schools, and schools of any particular denomination. But in this Bill, as presented to the House the definition of a public elementary school was quite different, and, moreover, in the 64th clause it was said that there should be no fresh denominational schools, except in those cases where the majority of the children of the district was of the creed of the schools proposed to be established. He protested against such a principle, upon grounds which ought to commend themselves even to members of the Birmingham League; for he maintained it was neither more nor less than establishing a religious census. Suppose a parent in Scotland wished to send his child to a United Presbyterian school, an Established Church school, an Episcopalian or Roman Catholic school, were they going to prevent him? If they did, it would be narrowing the right of the parent. This Bill also narrowed still further the time in which religious instruction might be given, and he objected to the provisions on that subject, because they might be cited at some future time as a precedent for introducing a similar limit in England; and with regard to which it had been shown by the school board elections all over the country, and very recently by the signal defeat of Mr. George Potter in Westminster, that the great mass of the people were in favour of combined religious and secular education, and that the contrary opinion was held by only a small minority. One great defect of the present measure was the omission of the cumulative vote, which in this country had made the school boards reflect truly the opinions of the inhabitants of each district. Indeed, a true reflex of the opinions of the inhabitants

of a district was only obtainable by ward elections or by the cumulative vote, which in England had had the effect of making their educational system really national. It was a very significant fact that when last year his hon. Friend the Member for Birmingham (Mr. Dixon) proposed the repeal of the cumulative vote, he found no supporter except the hon. and learned Member for the City of Oxford (Mr. Harcourt), and dared not press his Motion to a division. That fact showed what a preponderance of opinion was in favour of the cumulative vote, and he could not but regard its omission from this Bill as a retrograde step in legislation, as the result would be that the Roman Catholics, Protestant Dissenters, and the Episcopalians would be gagged. In fact, it was most strikingly shown that the animus of the Bill was in the direction of the opinions of the Birmingham League. With regard to the Amendment of his right hon. and learned Friend the Member for the University of Glasgow, he should vote in support of it, because he believed that the majority of the schools in Scotland would be under the control of school boards, and that, in other cases by the establishment of denominational schools, the liberty of the Roman Catholics and Episcopalians would not be infringed.

MR. W. E. FORSTER said, he wished to say a few words before they went to a division. [*Cheers.*] He thought at one time that there would be no division; but as hon. Members opposite seemed determined to provoke one, he hoped that they would be allowed to go to a division without further delay. Much had been said about the silence on that side of the House, and it might, therefore, be desirable that he should say a few words respecting the cause of that silence, which was, that a large majority of Scotch Members and of other hon. Gentlemen who took an interest in the subject of education were anxious at the commencement of the discussion, and were still anxious, that the evening should not be altogether lost and wasted. It must also be remembered that Scotland for the last three years had been anxiously looking for an Education Bill—that it had been delayed, into the reasons for which delay he would not now enter—and the Government thought the time had come when the question could be no longer delayed. Undoubt-

edly there had been silence on his side of the House; but the reason was, that there would otherwise have been either a renewal of a sufficiently full debate on the second reading, or an advocacy of Amendments which would properly be uttered when they were proposed in Committee. The right hon. and learned Gentleman himself (Mr. Gordon) had put an Amendment on the Paper, and hon. Members had repeatedly diverged from the Resolution to proposed Amendments in the Bill which had nothing to do with it; indeed, some remarks which had been made, made it almost impossible to believe that hon. Members opposite could have read the Bill. The education of the hon. Member for Norfolk (Mr. G. Bentinck) clearly had not reached that point, or he would not have described it as a purely secular Bill. Criticisms of that kind had almost made him doubt whether he was the same man and was sitting in the same place that he occupied a year or so ago; and more especially so, when he considered the fact that the Bill was based on exactly the same principles as the English Bill. ["No, no!"] There might be differences of detail as to the Conscience Clause, which could be discussed at the proper time; but because religious instruction was to begin or close the day, it did not follow that that was a secular Bill. For his own part, if he supposed it did anything more than the English measure to discourage religious instruction, he would have nothing to do with it; first, because it would be contrary to Scotch even more than to English feeling, and secondly, because it would be wrong. The principle of the Bill was this—that they should not interfere in any way to prevent religious instruction in schools; but that they should not compel such instruction to be given. He trusted he might get credit for having the matter of religious instruction at heart, and he believed it would be a wrong and a sad thing if Parliament discouraged religious teaching; but by no more certain way could they discourage it, than by compelling it to be taught. In fact, it would be as much discouraged thereby, as by the proposal to prohibit it which he had contended against in England. Now, the Resolution ostensibly proposed only to continue what now existed, but what was meant by it was, that instruction in the Holy Scriptures should be

binding in every school in Scotland. Was not that what was meant? The Resolution conveyed the impression—the existing law required this; but he met to-day a deputation of earnest Scotch clergymen, who, in answer to his questions, informed him that the present law did not compel religious teaching, and that they believed it would not prevent heritors from making schools entirely secular. The Resolution, in order to be candid, therefore, ought either to prove that the existing law required religious teaching, or admit that the object was to make a fresh law. He was glad to know that it had been the practice to give such teaching, and he feared that if the custom was converted into a law, there would be a danger of losing the practice; for there was a small but active minority, who conscientiously thought that religious instruction should be separated from secular teaching, many of them setting an example to those around them in their endeavours to emplant religion in those with whom they came in contact, and to pass a law compelling those persons to do what there was no doubt they had already done would be the surest way to put an end to the system altogether. The right hon. and learned Gentleman (Mr. Gordon) in his Amendment to Clause 50 virtually admitted that the present law did not require that construction, for it contained a Proviso that in all schools instruction in the Scriptures should be given, and the Bill, like the English Act, proposed to give perfect freedom to teach religion, and perfect freedom to parents to withdraw their children from it. It might be regretted that religious differences prevented the imposition of religious teaching by law; but the state both of England and Scotland must be considered, and he was surprised that many hon. Members opposite who supported the principle of the English Act should advocate this Resolution, for did they put themselves into the position of Scotchmen, they would see that what was useful in England would be useful in Scotland, and what was dangerous here would be dangerous there. His hon. Friend (Mr. M'Laren) who had somewhat advocated the Resolution, had stated that the Act of 1861 contained a clause which, while not compelling religious instruction, apparently assumed

Mr. W. E. Forster

that it would be given, the schoolmaster having to sign a declaration that he would not interfere with religious instruction. The experience of subscriptions, however, in other quarters, had shown that an obligation not to interfere with religious instruction was not an obligation to support it. It was true that the master engaged to teach nothing contrary—as he hoped he never would—to the Divine authority of the Scriptures, but he also engaged to inculcate nothing opposed to the Shorter Catechism. If, therefore, the law was in the state contended for, it required not only the Bible but the Catechism to be taught, and to continue the existing law would involve the teaching of both. That fact of itself showed the difficulty of forcing religious instruction. Interested as he was in the cause of education, and also in religious education, he had felt himself bound to explain that the Bill was based on the principles laid down in England, and he hoped some little progress would still be made to-night in Committee.

MR. GATHORNE HARDY said, he was glad that his right hon. and learned Friend the Mover of the Resolution, and Scotland, which by its Petitions had displayed its interest in the question, had at last had the honour of some remarks from the right hon. Gentleman opposite the Vice President of the Council. The right hon. and learned Lord Advocate had said early in the evening, that it was not necessary for him to detain the House at any length, because the Resolution being of the nature of an Amendment, the discussion was one that could be taken again when in Committee. If, however, that line of argument was always to be adopted, it would often be easy to avoid discussions on important principles of a measure, in such a full House as was desirable on such occasions. Every hon. Member knew that there was a wide difference between a debate on the principle of a Bill and the discussion of a clause, however important it might be; and although he agreed in the opinion that the Resolution was not intended to stop the progress of the measure, yet it pledged the House, before going into Committee on it, to the adoption of that principle of religious education which was suitable to, and according to the wishes of, Scotland. They had been told often enough on

recent occasions by the Prime Minister, that in legislating for a country they should have regard to her special position, failings, and requirements; that it was wrong to act upon English views when dealing with Ireland, or upon Irish feelings when legislating for England. Why, then, should not that rule be observed in the present case? Why should they be told by the right hon. Gentleman the Vice President of the Council—whose exertions in the cause of education he would be the last to deprecate—that because certain principles were to be found in the English Education Act, therefore they ought to be introduced into the Scotch one? They should look at the country and the position of the country before coming to a conclusion of that description. The right hon. Gentleman had said much time had been lost that evening. Well, time was lost last year, when the same course of contemptuous silence was taken by the Government and hon. Gentlemen opposite. He (Mr. Gathorne Hardy) thought, however, that that House was a place meant for discussion; and granting that discussions might now and then be raised there which were unpalatable to hon. Members opposite, just as other discussions might be raised by them which were unpalatable to hon. Members on his side of the House, yet it was derogatory to the dignity of the House, when an hon. Member in the position of his right hon. and learned Friend (Mr. Gordon), representing a Scotch University, and representing also the feelings of large portions of the community, moved a Resolution which was treated almost with contempt. If his (Mr. Gathorne Hardy's) Friends were to act in the same manner, it would bring the House to a condition which would be neither creditable to itself nor advantageous to the country; and, at all events, the studied silence with which the Motion had been received made it the duty of hon. Members on this side to take care that the House, which had been invited to this discussion, should be full before any decision was come to upon it. The right hon. Gentleman the Vice President of the Council had alluded to the declaration in the Act of 1861, by which the schoolmaster bound himself not to teach anything opposed to the Holy Scriptures or the doctrines contained in the Shorter Catechism.

Now, the Lord Advocate of that day distinctly stated that the schoolmaster was to teach these doctrines and the Holy Scriptures. That, therefore, was the meaning of the Bill of 1861; and not only that, but it had been the basis of Scotch education since the days of John Knox, in 1567. The declaration went on to say—

“I will faithfully conform thereto in my teaching in the said school, and I will not exercise the functions of my office to the prejudice of the Church of Scotland.”

The right hon. and learned Lord, however, had said there was no legislation calling upon the schoolmaster to teach religion in the school; but did not that clause mean that the schoolmaster was bound to teach it in conformity with the system established in 1567? Again, the right hon. and learned Lord gave the House to understand that there was no means of enforcing such teaching. But Section 13 in the Act of 1861 provided that if any schoolmaster acted in contravention of his declaration, the heritors might present a complaint to the Secretary of State, who might thereupon appoint a Commission to inquire into the said charge; and censure, suspend, or deprive such schoolmaster, their finding being subject to approval by the Secretary of State. There was, therefore, existing legislation which provided for religious teaching in the schools. The right hon. Gentleman the Vice President of the Council said—“If such legislation exists, why re-enact it now?” The answer was, because by a clause in the Bill all the existing Acts were repealed, so that the present continuity of religious teaching would be interrupted. Then, again, the circumstances of England differed from those of Scotland, for when the English Education Bill was proposed, there was not a single public school to deal with, but only voluntary schools; whereas, in Scotland, on the contrary, there were schools which were the inheritance of the nation, which had been the foundation of the greatness of Scotland, and which for 300 years had been conducted on one uniform principle, seeing that since 1567 it had been the practice to teach the Holy Scriptures in the parochial schools of Scotland, and to teach the Scriptures in such a way that, though without a Conscience Clause that religious teaching was conducted without injury to the religion of other

people. Therefore, that Bill was introduced under circumstances differing entirely from those under which the English Bill had been brought forward; and it would interfere in Scotland with public schools which were working well, and were also working in conformity with the wishes and feelings of the Scotch people. With all that in view, then, should the system in those schools be given up to the school boards which were to be established, thus furnishing matter for perpetual strife and contention? It should also be remembered that a League had been formed in Scotland in conformity with some abstract theory, and which sought to put an end to a system which had done so much in practice for the education of the Scotch people. Now, persons who acted on abstract theories were the most disagreeable of all people to deal with, and no matter how well a system worked, if it did not coincide with their theories they condemned it utterly. Some had even hoped to make martyrs of themselves upon this question, in the hope of awakening sympathetic enthusiasm at public meetings; and they purchased that cheap martyrdom at the expense of introducing dissension into peaceful parishes; but he (Mr. Gathorne Hardy) would warn them against introducing trouble and disturbance, where without them none would have existed. All the Government was asked to do was to leave the existing system alone, and not to force a Bill upon the Scotch people which, while it professed to be harmless, was evidently designed to make secular instruction the rule. The present rule was that no school should receive a Parliamentary grant unless it was in connection with some religious body, or unless the Scriptures were read in it; so that this Bill would not only interfere with the parochial school, but with every other school participating in the grant. He was told that the teachers were to be forbidden to teach religion; how, then, was it to be taught? Even the Non-conformist Bodies in England had training colleges for the purpose of instructing their teachers in religious knowledge, with a view to their imparting that knowledge to their pupils. In conclusion, he thought the Resolution expressed the opinion entertained by the people of Scotland. He judged so from the Petitions which had been laid on the

Mr. Gathorne Hardy

Table of the House; for even if he looked at the Petitions in favour of the Bill, he found they were against the Bill in many important points. Not only that, but he found at public meetings held in different parts of Scotland, men differing strongly on points of ecclesiastical government had united in one thing, and that was opposition to a particular portion of the Bill, in fact, the very part of the Bill against which he had spoken. Inasmuch, then, as it was desirable that the House should lay down the principle which was most satisfactory, and, in his opinion, equally suitable to the people of Scotland, he should support most cordially the Motion of his right hon. and learned Friend the Member for the University of Glasgow.

SIR ROBERT ANSTRUTHER said, that hon. Members on his side of the House had been taunted with keeping silence, and therefore before going to a division he wished to say a word or two on the subject. He wished to warn hon. Members that the obvious effect of the Motion from the opposite side of the House would be to prevent the Bill being proceeded with. ["No, no!"] Why, it was impossible to say this was not a party proceeding, for the Motion came as an Amendment to the Motion "that Mr. Speaker leave the Chair," and if it were carried, Mr. Speaker would not leave the Chair, and there would be an end of the Bill. It was obvious that result was desired, and he must congratulate the hon. Member for Rutland (Mr. Noel), who had been all the evening employing those winning ways which made him deservedly popular on both sides of the House, to induce hon. Members to continue the debate until the Opposition was fortified to its full strength and in readiness for a division on the success which had attended his endeavours. What else could have been the reason for English Members continuing the debate when Scotch Members were anxious to go into Committee and proceed to business? Why, it was plain that every device was to be used to delay the Bill, and he must say that anyone approving of the Resolution did their best to hinder it, and were thereby incurring a heavy responsibility; neither could they be true friends of Scotland who pursued that course. It was said that the Bill would prevent the teaching

of religion in schools; but all that the 13th clause did was to prevent a teacher teaching anything but doctrine accepted by the Scotch people. In fact, there was no statutory obligations upon anyone in the Scotch schools to teach religion; it was the custom to do so in every school because the people desired it; as long as they desired it they would have it, and, if they ever ceased to desire it, no Acts of Parliament would make them continue a system of religious teaching they objected to. The hon. and learned Member for Boston (Mr. Collins) made a shrewd remark when he said the Bill allowed school boards to teach creeds and as much religion, in fact, as they liked; whereas other hon. Gentlemen opposite denounced the measure as being purely secular. Although thinking of the old adage—"Who should decide, when doctors disagree?" yet he agreed with that observation of the hon. and learned Member and hoped to see Amendments introduced into the Bill to confine within certain limits that power of the school boards. The course of action, however, taken by the Government was to put confidence in the people of Scotland, and to say that the people of Scotland knew what they wanted, and should have it.

MR. NEWDEGATE said, there was a passage in the Interpretation Clause of the Bill which threw light upon a good deal that had taken place in the course of that debate. He found it there stated that—

"The Scotch Education Department shall mean the Lords or any Committee of Privy Council who shall have been appointed by Her Majesty."

And in another section—

"Her Majesty's Inspectors shall mean the Inspectors of Schools appointed by Her Majesty on the recommendation of the Scotch Education Department, &c. &c."

He had not long since been in Scotland and was kindly received there, and he found that a principal feature of the Bill—the introduction of the authority of the Privy Council to be that which in the minds of the people of Scotland constituted a principal objection to the scheme. The right hon. Gentleman the Vice President of the Council spoke of the compulsion to be exercised under the Bill—exercised by the Privy Council for the purpose of enforcing secular education; and his whole argument went upon the danger of enforcing religious educa-

tion by the same authority. It was to that compulsion, then, that the people of Scotland objected. Their schools had hitherto been regulated by law, not by the arbitrary authority of a Governmental Department. They objected to that arbitrary authority, and that constituted one main ground of their objection to the Bill—for it did not exclude, it involved the question of religious education. Under the present state of things the people of Scotland were content to have religious education enforced by law, but they objected to religious education being enforced by the authority of a Department. That was one real objection of the people of Scotland. And had they not good reason to fear for their Scriptural education? The right hon. Gentleman adverted to what happened during the passage through that House of the English Elementary Education Act in 1870. He (Mr. Newdegate) was present on that occasion, and he well remembered two of the divisions, which then took place, and he would read to the House that which would at once explain the suspicions of the people of Scotland, and which would show that those suspicions were well founded. On the 30th of June, 1870, the right hon. Gentleman the Member for Droitwich (Sir John Pakington) moved—"That the Holy Scriptures shall form part of the daily reading and teaching in those schools"—the elementary schools of England; but the right hon. Gentleman the Vice President of the Council opposed that Amendment. There was a division—Ayes 81; Noes 250; Majority 169. The people of Scotland were not so stupid as not to know that on that occasion that House, in passing the Elementary Education Bill for that country, emphatically rejected Scriptural education as a portion of that measure. Again, on the 19th of July, 1870, it was moved by the noble Lord the Member for West Suffolk (Lord Augustus Hervey)—"That no schools in which the Holy Scriptures are not daily used shall be entitled to receive any Parliamentary Grant." When the House divided there appeared—for the Resolution, Ayes, 89; Noes, 205; Majority against it, 116. Twice, then, in passing the Elementary Education Act for England, that House was misled into rejecting Scriptural education; and then the right hon. Gentleman got up, and, by way of consoling

the people of Scotland, assured them that the Bill now before the House was framed upon the same principle as the Elementary Education Act for England. Why, the people of Scotland were not so ignorant as not to understand that that assurance of the right hon. Gentleman meant that they might be well assured that Scriptural education would be rejected as an essential portion of the Bill which was in their hands. Let anybody read the Bill, and he would see that it was framed on the principle of treating religion as an accident in education; as leaving such scope for it as the Department of the Privy Council for Scotch Education might assign; but it broke up the great principle established by John Knox, that Scriptural education should be the pervading principle of education in Scotland—the great principle for which the Scotch people had ever contended, and for which they were contending now. He feared the Scotch Members who sat opposite, were so much better Ministerialists than Members for Scotland, that they would vote against the Resolution now before the House, because the Resolution distinctly affirmed the preservation of Scriptural education, the leading principle of Scotch education as it had existed for hundreds of years. It was because the Scotch people saw in the Bill the introduction of a departmental coercion, which was to be exercised for the breaking up of the all-pervading principle of their educational system—that Scriptural education which had existed for so long a period and so greatly for the advantage of Scotland—that they agreed with the right hon. and learned Gentleman who had proposed the Resolution. He feared that they were likely to be misrepresented by too many of the hon. Members whom they had returned to that House.

LORD JOHN MANNERS said, that the hon. Baronet the Member for Fife-shire (Sir Robert Anstruther), breaking the long silence which had prevailed on the other side of the House, came forward at the last moment to inform them as to what would be the result of carrying the Amendment of his right hon. and learned Friend (Mr. Gordon). He ventured, however, to state that the information which the hon. Baronet had given them was entirely erroneous, and if acted upon would lead the House into a very grave misconception. The hon.

Mr. Newdegate

Baronet told them that if the Amendment were adopted it would be fatal to the further progress of that measure. Now, he would assert—and he appealed to Mr. Speaker whether he was not correct in asserting—that if the House acceded, as he trusted it would do, to the Amendment of his right hon. and learned Friend, it would be perfectly competent for the Government to proceed with the Bill on the very first day they chose to bring it forward; and that the Amendment would be found to be in strict accordance not only with the main principles of the measure as sustained by the Government, but with the recognized forms and practice of the House.

Question put.

The House divided:—Ayes 209; Noes 216: Majority 7.

Words added.

Main Question, as amended, put, and agreed to.

Resolved, That, having regard to the principles and history of the past educational legislation and practice of Scotland, which provided for instruction in the Holy Scriptures in the public schools as an essential part of education, this House, while desirous of passing a measure during the present Session for the improvement of education in Scotland, is of opinion that the Law and practice of Scotland in this respect should be continued by provisions in the Bill now before the House.

Committee on the Bill upon *Monday* next.

AYES.

Acland, Sir T. D.	Brooklehurst, W. C.
Allen, W. S.	Brogden, A.
Amory, J. H.	Brown, A. H.
Anderson, G.	Bruce, rt. hon. Lord E.
Anstruther, Sir R.	Bruce, rt. hon. H. A.
Antrobus, Sir E.	Buckley, N.
Armitstead, G.	Buller, Sir E. M.
Ayrton, rt. hon. A. S.	Candlish, J.
Aytoun, R. S.	Cardwell, rt. hon. E.
Backhouse, E.	Carnegie, hon. C.
Bagwell, J.	Carter, R. M.
Bass, A.	Cartwright, W. C.
Baxter, W. E.	Cavendish, Lord F. C.
Beaumont, Captain F.	Cavendish, Lord G.
Beaumont, H. F.	Cholmeley, Captain
Bentall, E. H.	Clay, J.
Biddulph, M.	Clifford, C. C.
Blennerhassett, R. (Kry.)	Colebrooke, Sir T. E.
Blennerhassett, Sir R.	Coleridge, Sir J. D.
Bolekow, H. W. F.	Colman, J. J.
Bouverie, rt. hon. E. P.	Corrigan, Sir D.
Bowmont, Marquess of	Cowper, hon. H. F.
Bowring, E. A.	Craufurd, E. H. J.
Brewer, Dr.	Crawford, R. W.
Brinckman, Captain	Dalglish, R.
Bristowe, S. B.	Dalrymple, D.

D'Arey, M. P.
 Davies, R.
 Dickinson, S. S.
 Dillwyn, L. L.
 Dixon, G.
 Dodds, J.
 Dodson, J. G.
 Dowse, rt. hon. R.
 Duff, M. E. G.
 Duff, R. W.
 Dundas, F.
 Edwards, H.
 Egerton, Capt. hon. F.
 Ellice, E.
 Enfield, Viscount
 Erskine, Admiral J. E.
 Ewing, H. E. Crum-
 Eykyn, R.
 Finnie, W.
 FitzGerald, right hon.
 Lord O. A.
 Fordyce, W. D.
 Forster, C.
 Forster, rt. hon. W. E.
 Gladstone, rt. hn. W. E.
 Gladstone, W. H.
 Goldsmid, Sir F.
 Goldsmid, J.
 Goschen, rt. hon. G. J.
 Gourley, E. T.
 Gower, hon. E. F. L.
 Graham, W.
 Greville, hon. Captain
 Greville - Nugent, hon.
 G. F.
 Grieve, J. J.
 Grosvenor, hon. N.
 Grosvenor, Lord R.
 Grove, T. F.
 Guest, M. J.
 Hadfield, G.
 Hamilton, J. G. C.
 Hanmer, Sir J.
 Harcourt, W. G. G. V. V.
 Harcastle, J. A.
 Harris, J. D.
 Hartington, Marquess of
 Herbert, H. A.
 Hibbert, J. T.
 Holms, J.
 Howard, J.
 Hughes, W. B.
 Hurst, R. H.
 Illingworth, A.
 Jessel, Sir G.
 Johnston, A.
 Johnstone, Sir H.
 Kay-Shuttleworth, U. J.
 Kensington, Lord
 King, hon. P. J. L.
 Kingscote, Colonel
 Kinnaird, hon. A. F.
 Knatchbull - Huggessen,
 E. H.
 Lancaster, J.
 Lawrence, W.
 Lawson, Sir W.
 Lea, T.
 Leatham, E. A.
 Leeman, G.
 Lefevre, G. J. S.
 Lorne, Marquess of

Lowe, rt. hon. R.
 Lush, Dr.
 Luak, A.
 Lyttelton, hon. C. G.
 Macfie, R. A.
 Mackintosh, E. W.
 McClure, T.
 McLagan, P.
 Maguire, J. F.
 Martin, P. W.
 Matheson, A.
 Merry, J.
 Miall, E.
 Miller, J.
 Mitchell, T. A.
 Monk, C. J.
 Monsell, rt. hon. W.
 Morgan, G. Osborne
 Morley, S.
 Morrison, W.
 Mundella, A. J.
 Muntz, P. H.
 Murphy, N. D.
 Norwood, C. M.
 O'Brien, Sir P.
 O'Connor, D. M.
 O'Donoghue, The
 Ogilvy, Sir J.
 O'Reilly-Dease, M.
 Otway, A. J.
 Palmer, J. H.
 Parry, L. Jones-
 Peel, A. W.
 Phillips, R. N.
 Playfair, L.
 Plimsoll, S.
 Potter, E.
 Potter, T. B.
 Power, J. T.
 Price, W. P.
 Rathbone, W.
 Reed, C.
 Richard, H.
 Robertson, D.
 Roden, W. S.
 Rothschild, N. M. de
 Russell, A.
 Russell, H.
 Russell, Sir W.
 Rylands, P.
 St. Lawrence, Viscount
 Salomons, Sir D.
 Samuda, J. D'A.
 Samuelson, H. B.
 Sartoris, E. J.
 Seely, C. (Lincoln)
 Seely, C. (Nottingham)
 Shaw, R.
 Sherriff, A. C.
 Sinclair, Sir J. G. T.
 Smith, E.
 Stansfeld, rt. hon. J.
 Stapleton, J.
 Stevenson, J. C.
 Stone, W. H.
 Storks, rt. hn. Sir H. K.
 Stuart, Colonel
 Synan, E. J.
 Talbot, O. R. M.
 Tollemache, hon. F. J.
 Tracy, hon. C. R. D.
 Hanbury-

Trevelyan, G. O.
 Vivian, A. P.
 Vivian, H. H.
 Walter, J.
 Wedderburn, Sir D.
 West, H. W.
 Whitbread, S.
 White, J.
 Whitwell, J.
 Whitworth, T.
 Williams, W.

Williamson, Sir H.
 Wingfield, Sir C.
 Winterbotham, H. S. P.
 Woods, H.
 Young, A. W.
 Young, G.

TELLERS.

Adam, W. P.
 Glyn, hon. G. G.

NOES.

Adderley, rt. hn. Sir C.
 Akroyd, E.
 Amphlett, R. P.
 Annesley, hon. Col. H.
 Arbuthnot, Major G.
 Archdall, Captain M. E.
 Arkwright, A. P.
 Arkwright, R.
 Assheton, R.
 Baggallay, Sir R.
 Bagge, Sir W.
 Bailey, Sir J. R.
 Ball, rt. hon. J. T.
 Barrington, Viscount
 Barttelot, Colonel
 Bates, E.
 Bathurst, A. A.
 Beach, W. W. B.
 Beective, Earl of
 Bentinck, G. W. P.
 Benyon, R.
 Beresford, Lt.-Col. M.
 Bingham, Lord
 Birley, H.
 Booth, Sir R. G.
 Bourne, Colonel
 Bright, R.
 Brise, Colonel R.
 Broadley, W. H. H.
 Brooks, W. C.
 Bruce, Sir H. H.
 Bruen, H.
 Buckley, Sir E.
 Burrell, Sir P.
 Cameron, D.
 Cartwright, F.
 Cawley, C. E.
 Cecil, Lord E. H. B. G.
 Chaplin, H.
 Charley, W. T.
 Child, Sir S.
 Clowes, S. W.
 Collins, T.
 Conolly, T.
 Corrance, F. S.
 Corry, rt. hon. H. T. L.
 Crichton, Viscount
 Croft, Sir H. G. D.
 Cross, R. A.
 Cubitt, G.
 Dalrymple, C.
 Davenport, W. Bromley-
 Denison, C. B.
 Dickson, Major A. G.
 Dimsdale, R.
 Disraeli, rt. hon. B.
 Dowdeswell, W. E.
 Du Pre, C. G.

Dyke, W. H.
 Dyott, Colonel R.
 Eastwick, E. B.
 Eaton, H. W.
 Egerton, hon. A. F.
 Egerton, Sir P. G.
 Egerton, hon. W.
 Elliot, G.
 Elphinstone, Sir J. D. H.
 Ewing, A. Orr-
 Fellowes, E.
 Figgins, J.
 Finch, G. H.
 Floyer, J.
 Forester, rt. hon. Gen.
 Fowler, R. N.
 Galway, Viscount
 Garlies, Lord
 Gilpin, Colonel
 Gooch, Sir D.
 Gore, J. R. O.
 Gore, W. R. O.
 Gower, Lord R.
 Graves, S. R.
 Gray, Colonel
 Greaves, E.
 Greene, E.
 Gregory, G. B.
 Guest, A. E.
 Hamilton, Lord C.
 Hamilton, Lord C. J.
 Hamilton, Lord G.
 Hamilton, Marquess of
 Hamilton, I. T.
 Hardy, rt. hon. G.
 Hardy, J. S.
 Hay, Sir J. C. D.
 Henley, rt. hon. J. W.
 Henry, J. S.
 Henry, M.
 Herbert, rt. hon. Gen.
 Sir P.
 Hermon, E.
 Hesketh, Sir T. G.
 Heygate, Sir F. W.
 Heygate, W. U.
 Hoare, P. M.
 Hodgson, W. N.
 Hogg, J. M.
 Holford, J. P. G.
 Holmesdale, Viscount
 Holt, J. M.
 Hood, Cap. hn. A. W. A. N.
 Hornby, E. K.
 Hutton, J.
 Jackson, R. W.
 Johnston, W.
 Jones, J.

Kavanagh, A. Mac. M.	Salt, T.
Kekewich, S. T.	Sclater-Booth, G.
Kennaway, J. H.	Scott, Lord H. J. M. D.
Knightley, Sir R.	Scourfield, J. H.
Lacon, Sir E. H. K.	Selwin - Ibbetson, Sir
Laird, J.	II. J.
Learmonth, A.	Shirley, S. E.
Legh, W. J.	Simonds, W. B.
Lennox, Lord G. G.	Smith, A.
Lennox, Lord H. G.	Smith, F. C.
Liddell, hon. H. G.	Smith, R.
Lindsay, hon. Col. C.	Smith, S. G.
Lindsay, Colonel R. L.	Smith, W. H.
Lopes, H. C.	Somerset, Lord H. R. C.
Lopes, Sir M.	Stanley, hon. E.
Lowther, J.	Starkie, J. P. C.
Mahon, Viscount	Steere, L.
Maitland, Sir A. C. R. G.	Sturt, H. G.
Malcolm, J. W.	Sturt, Lt.-Colonel N.
Manners, rt. hn. Lord J.	Sykes, C.
Manners, Lord G. J.	Talbot, J. G.
March, Earl of	Talbot, hon. Captain
Maxwell, W. H.	Taylor, rt. hon. Col.
Mellor, T. W.	Tipping, W.
Miles, hon. G. W.	Tollemache, Major W. F.
Mills, C. H.	Trevor, Lord A. E. Hill-
Monckton, hon. G.	Turner, C.
Morgan, hon. Major	Turnor, E.
Mowbray, rt. hon. J. R.	Vance, J.
Neville-Grenville, R.	Verner, E. W.
Newdegate, C. N.	Walker, Major G. G.
Newport, Viscount	Walpole, hon. F.
Noel, hon. G. J.	Walpole, rt. hon. S. H.
North, Colonel	Walsh, hon. A.
Paget, R. H.	Waterhouse, S.
Pakington, rt. hn. Sir J.	Watney, J.
Parker, C. S.	Welby, W. E.
Parker, Lt.-Colonel W.	Wells, E.
Patten, rt. hon. Col. W.	Wethered, T. O.
Peck, H. W.	Wharton, J. L.
Pell, A.	Wheelhouse, W. S. J.
Pemberton, E. L.	Williams, C. H.
Pender, J.	Williams, Sir F. M.
Phipps, C. P.	Wilmot, H.
Pim, J.	Winn, R.
Plunket, hon. D. R.	Wise, H. C.
Powell, F. S.	Wyndham, hon. P.
Powell, W.	Yarmouth, Earl of
Raikes, H. C.	Yorke, J. R.
Read, C. S.	
Ridley, M. W.	
Round, J.	
Royston, Viscount	

TELLERS.

Gordon, E. S.
Montgomery, Sir G. G.

IRISH CHURCH ACT AMENDMENT

BILL—[Lords]—[BILL 87.]

(Mr. Attorney General for Ireland.)

COMMITTEE.

Order for Committee read.

THE MARQUESS OF HARTINGTON said, he would repeat the proposal he made earlier in the evening, that the measure should be limited to its original purpose, the constitution of a Court of Appeal and the abolition of the third Commissioner, on the understanding that the proposals made by him at the instance of the Commissioners and by

other hon. Members for the amendment of the general provisions of the Act should be dealt with by a second Bill. He promised to introduce the second Bill as early as possible, and to do all in his power to pass it this Session, but he could not undertake that the Government would be able to effect it.

Motion made, and Question proposed, "That the House do now resolve itself into a Committee upon the said Bill."

DR. BALL said, he wished to direct attention to the great importance of the Amendments relating to legislation for a reduction of the tithe rent-charge, which amounted to £360,000 a-year. The amount of a 22½ years' purchase was an unjust price. By the Irish Church Act, a distinction was drawn between lay tithe rent-charge and ecclesiastical tithe rent-charge, and by the declaration of the Legislature, that it would not interfere with the former tithe rent-charge, that was made an immeasurably better property than it had been before. Yet, at the present time, lay tithe rent-charge in the market only brought 20 years' purchase. Why did not this tithe rent-charge bring a higher price? It was not an intelligible property at all, because it was liable to great subdivision; and if there were no purchasers it would become much reduced in value. He wanted the Government to consider whether the whole question of tithe rent-charge would not become abortive, if a change were not made? He asked the Government to consider the subject, with the view of applying a remedy. With regard to the other minor Amendments, which were only intended to meet cases of hardships to individuals, he believed there would be no difference of opinion between the Government and any hon. Gentleman on that side of the House, and he would leave them to the noble Lord the Chief Secretary for Ireland and the Government.

MR. CHARLEY said, that under the Irish Church Act three Commissioners were appointed, and the Act expressly provided that if a vacancy occurred another should be selected. The understanding also was that the proportion between the friendly and hostile Commissioners should be kept up. Mr. Hamilton was dead, and he was the only one in whom Irish Churchmen could place confidence, for Lord Monck took

an active share in disestablishing and disendowing the Irish Church, and Judge Lawson advised the Government on the subject. As the Bill stood, it involved a breach of faith, for it proposed to abolish the office of third Commissioner. The Bill also, did not provide that the person appointed to hear appeals under it, should, like the third Commissioner under the Irish Church Act, be a member of the Irish Church or of the Church of England. The Government might appoint a Roman Catholic under this Bill and a pledge ought to be given that a gentleman would be appointed who was an Irish Churchman or a member of the Church of England.

MR. GLADSTONE said, he did not question for a moment the right of hon. Gentlemen to call attention to any matter relating to the tithe rent-charge in Ireland, but he did object to it being discussed upon a Bill which had no reference to it. It had been already stated by his noble Friend the Chief Secretary for Ireland that a Bill was about to be introduced in which the whole question relating to tithe rent-charge could be discussed, and upon which the Government could state what course it considered it its duty to pursue. The point they had, however, at the present time to consider with respect to the Bill then before them was that which was immediately connected with the Commission, and that would, he hoped, answer the objection of the hon. and learned Member for Salford (Mr. Charley). By the Irish Church Act three Commissioners were to be appointed; but as business proceeded, and as the more difficult matters were disposed of, it happened that the Government were deprived of the services of one who was deeply lamented—namely, Mr. Hamilton. That being so, it was their duty to consult the Commissioners on the business of the Commission, and they reported that there was not sufficient business to employ a third standing Commissioner. Therefore, the Government had felt it was not their duty to appoint a third standing Commissioner at an expense of £3,000 a-year, to be charged on the fund. They had been charged with a breach of faith by the hon. and learned Member; but he (Mr. Gladstone) thought that the manner in which the Government had acted was not a breach of faith. There was a necessity, however, to have a third Com-

missioner, for the purpose of sitting on appeals; and the present Bill proposed that there should be a third one, not permanent, but what he might call an occasional third Commissioner. In consequence of the business of the Commission having reached such an advanced stage, it was not thought desirable to impose a religious limitation on the holding of that office; but that was a question which could be considered when the Bill was in Committee.

LORD JOHN MANNERS said, he was of opinion there ought to be a third Commissioner, and would like to know when the Government intended to redeem their pledge to place the Irish Church in a position of equality with the Roman Catholic Church with respect to the holding of land in mortmain?

VISCOUNT CRICHTON wished to be informed if Government meant to accept the Instructions on the Paper?

MR. BAGWELL thought the question of the appointment of a third Commissioner was a matter which might be safely left in the hands of the Government, who, he hoped, would soon introduce a Bill to dispose of tithe rent-charges.

MR. BRUEN said, he could not see the necessity for withdrawing the discussion of the question at the present time. If the Amendments were withdrawn, he should like to know from his noble Friend, whether those hon. Members who had given Notice of "Instructions" would be in as good a position as they now occupied.

THE ATTORNEY GENERAL FOR IRELAND (Mr. Dowse) said, there were eight of those "Instructions," reckoning that of the Government, and they were so varied that it would take a long time to discuss them all. The only Notice that met the Bill was that of the hon. and learned Member for Salford (Mr. Charley), who proposed to go into Committee that day six months; but the hon. and learned Member was present at the second reading, and did not challenge the Bill at that stage. It had been shown that there was no necessity for a permanent third Commissioner; and, financial matters having been disposed of to a large extent, there remained only questions of law such as might be disposed of with the aid of an occasional third Commissioner. The proper course would be to have this Bill stripped of all

the Instructions and Amendments of which Notice had been given, and to pass the Bill as rapidly as possible. The tithe rent-charge would be dealt with by the Government in a separate Bill, embracing as many of the Amendments given Notice of as the Government, on consideration, could adopt. With respect to the law of mortmain, the present state of the law did not press upon the Irish Church in any invidious way, for a charter was settled last year giving that Church power to acquire and hold land, notwithstanding the mortmain statutes, within certain proper limits.

SIR HERVEY BRUCE hoped that a distinct assurance would be given by the Government that the third Commissioner should be a member of the Irish Church.

MR. SYNAN thought the course proposed by the noble Lord the Chief Secretary for Ireland a very reasonable one.

MR. ORMSBY GORE hoped the Government would give some more distinct pledge on the subjects embraced in the Instructions and Amendments on the Paper before they were withdrawn.

MR. KAVANAGH said, he fully coincided with the remark of his hon. Friend (Mr. Ormsby Gore).

THE MARQUESS OF HARTINGTON said, that by the course proposed by the Government, those hon. Members who had given Notice of Amendments would not be placed in a worse position. He would renew the assurance that Government would consider all the questions raised by the Amendments, and as soon as possible introduce a measure to give effect to such of the proposals as they could adopt, doing their utmost to press it through Parliament that Session.

Question put, and *agreed to*.

Bill *considered* in Committee.

Bill *reported*, without Amendment; to be read the third time *To-morrow*.

WAYS AND MEANS.

Resolution [May 3] *reported*;

"That, towards making good the Supply granted to Her Majesty the sum of £8,000,000 be granted out of the Consolidated Fund of the United Kingdom."

Resolution *agreed to*:—Bill *ordered* to be brought in by Mr. BONHAM-CARTER, Mr. CHANCELLOR of the EXCHEQUER, and Mr. BAXTER.

The Attorney General for Ireland

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Tuesday, 7th May, 1872.

MINUTES.]—SELECT COMMITTEE—Appellate Jurisdiction, The Viscount Ossington *added*.

PUBLIC BILLS—*First Reading*—Gas and Water Orders Confirmation * (101).

Second Reading—Party Processions (Ireland) Act Repeal (87); Reformatory and Industrial Schools (No. 2) * (98).

Committee—Pacific Islanders Protection (48-100).

Committee—*Report*—Pensions * (93).

Report—Prison Ministers (91-99).

Third Reading—Royal Parks and Gardens * (79), and *passed*.

PRISON MINISTERS BILL—(Nos. 72, 91).
(*The Duke of Cleveland*.)

REPORT OF AMENDMENTS.

Amendments *reported* (according to Order).

Further Amendments made.

Clause 3 (Order of Secretary of State for appointment of ministers under 26 & 27 Vict. c. 79).

THE DUKE OF RICHMOND moved to insert, line 22, after ("notice")—

"It shall also be lawful for the prison authority, with the consent of the Secretary of State, to revoke such appointment when the number of prisoners of that persuasion shall have for a space of twelve months fallen short of the daily average of twenty."

Motion *agreed to*.

On the Motion of Lord ORANMORE AND BROWNE the word "daily" was inserted before "average number"—and the words "at one time" struck out.

Clause, as amended, *agreed to*.

THE DUKE OF RICHMOND said, that as the clause now stood it was provided that no order be made requiring the appointment of a minister of any church or religious persuasion to attend at any prison if the average number of prisoners belonging to that church or persuasion confined at one time in such prison during the three years immediately preceding the date of such order has been

less than 10. He proposed an Amendment raising the average number to 20.

THE DUKE OF CLEVELAND said, that since the noble Duke had placed his Amendment on the Paper he had made inquiries and found the fact of requiring an average of 10 prisoners, as the Bill now required, would exclude 27 gaols from the operation of the Bill; and if the average were raised to 20, no fewer than 14 gaols in addition to those 27 would be excluded. He could not consent to this. He should prefer a revision of the salaries inserted in the Schedule.

THE DUKE OF RICHMOND said, he did not at all desire that his Amendment should have the effect pointed out by the noble Duke. He should, therefore, withdraw the Amendment, and leave the average at 10.

LORD ORANMORE AND BROWNE adhered to his view that it was unreasonable to appoint a minister for so small a number as 10 prisoners. There could be no difficulty in removing them to another gaol when there were a larger number. He also believed that by appointing ministers for each denomination, when there were 10 prisoners, the charge would be very large; for in half the prisons in Great Britain there were five denominations having above 10 prisoners, and though Non-conformist clergymen had not claimed the position of chaplains heretofore, yet he believed the only cause of their not having done so was because they did not wish to create a precedent in favour of the appointment of Roman Catholic priests; but that if this law passed, making such appointment obligatory, these other clergymen would certainly put in their claims. He therefore thought that no chaplain should be appointed where there were less than 30 prisoners.

Amendment (by leave of the House) *withdrawn*.

Clause 4 (Status of ministers appointed under Act, and provision for ministrations).

LORD ORANMORE AND BROWNE moved an Amendment limiting the power of the Secretary of State to "order an expenditure exceeding £50 (not including salary of clergyman) for the purposes of this Act." If some limit were not put on

expenditure for this purpose it might amount to perhaps £200, though no such sum ought to be absolutely necessary. Anyone who had read the evidence given by Roman Catholic priests before the Committee must know that he was not exaggerating when he said that one of those reverend gentlemen might make a requisition for so large a sum as he had named: under the pressure of political exigencies a Home Secretary of either of the great parties in the State might yield to such a requisition, and this was what he wanted to guard against by the Amendment he now submitted to their Lordships.

LORD DYNEVOR said, that a large sum—£50 or £60, perhaps—might be asked by a Roman Catholic priest for vestments.

THE DUKE OF CLEVELAND entertained no such apprehensions as those which had been expressed by the two noble Lords. An expenditure of £50 or £60 for vestments would be quite out of the question if they were intended to be used in a prison and were to be paid for out of the rates. If a priest wished for such expensive vestments his general congregation outside the walls must supply them. He thought the matter might fairly be left with the Home Secretary.

LORD ORANMORE AND BROWNE appealed to the noble Lords present, whether the sum he stated was not a very moderate estimate for vestments, &c.?

THE DUKE OF RICHMOND was not for any undue charge on the ratepayers; but he would prefer to leave the clause as it was, and place his confidence in the common sense of the Secretary of the State rather than insert such a limitation as that proposed by the noble Lord (Lord Oranmore and Browne).

LORD ORANMORE AND BROWNE said, that seeing the feeling of the House, he would not divide on the Amendment.

Amendment *negatived*.

Schedule—Scale of Salary—

THE DUKE OF RICHMOND said, the Schedule at present proposed the following scale of minimum salaries:—10 prisoners and less than 20, £25; 20 to 100, £50; 100 to 200, £100; 200 to 300, £150; more than 300, £200. He proposed to reduce the scale to £20, £40,

£60, £100, and £150 for each respective class.

Amendment made.

THE DUKE OF CLEVELAND said, he had no objection to the proposed reduction of the scale.

LORD ORANMORE AND BROWNE said, he had intended to propose a scale in accordance with the capitation grant paid to Roman Catholic chaplains in the Army; but, as the scale now proposed on one side was accepted on the other, he would not press his Amendment.

THE DUKE OF CLEVELAND remarked that there was the greatest diversity in the salaries paid to gaol chaplains in England; some were paid generously, and others received salaries that were far too low. The scale now proposed would, at all events, give a status to Roman Catholic chaplains, make them officers of prisons, and put them to a certain extent on an equality with the Protestant chaplains, which was the main object of the Bill.

Schedule, as amended, *agreed to*.

Bill to be read 3^d on *Friday* next, and to be *printed* as amended (No. 99).

PARTY PROCESSIONS (IRELAND) ACT
REPEAL BILL—(No. 87.)

(*The Earl of Dufferin.*)

SECOND READING.

Order of the Day for the Second Reading, read.

THE EARL OF DUFFERIN, in moving that the Bill be now read a second time, said, he never addressed the House with greater pleasure than he did on the present occasion, when he asked their Lordships to consent to the repeal of this Act. For a long time past he had entertained a strong conviction that the effect of this Act remaining on the Statute Book was very different from the effect it was intended to have had by its promoters. Instead of imposing equal restrictions upon all party demonstrations in Ireland, and operating impartially against all sections of the community, it had, through circumstances peculiar to the country and over which the Government had no control, only reached one party, and had consequently come to be regarded as one-sided, vexatious, and unjust. It had, therefore, lost one essential characteristic which Acts of

The Duke of Richmond

this kind should possess. It would readily be understood that when an Act which was passed for the express purpose of preventing party processions only restrained one party and permitted another party to indulge in those very excesses from which the rival faction was debarred, instead of mitigating hostility and controlling animosity it was regarded as affording a triumph to one side and imposing unjust disabilities on the other. He did not propose to trouble their Lordships with any account of the circumstances under which this Bill was originally passed; nor need he describe those demonstrations to which it immediately pointed—unhappily, their Lordships were only too well acquainted with the sinister history of party demonstrations in Ireland—it was sufficient to state that, with no inconsiderable experience, and with only too accurate a sense of the difficulties with which they had to contend, Her Majesty's present Executive in Ireland had come to the conclusion that the common law provided powers amply sufficient to prevent a breach of the peace. More than once they had had occasion to take precautions against contingencies arising out of these demonstrations, and on every one of those occasions they had found the powers conferred upon them by the common law sufficient for their purpose. Not only had they found they never had any occasion to resort to the powers conferred upon them by this Act, but they also had occasion to observe that this Act itself was regarded with the greatest disfavour by a considerable portion of Her Majesty's subjects in Ireland. These persons complained—and he thought with justice—that whereas in the South of Ireland party processions, banners, colours, and tunes were paraded with perfect impunity, sometimes not without leading to sinister consequences, in the North similar demonstrations were pronounced by law to be illegal, and those who had taken part in them had been subjected, under previous Administrations, to fine and imprisonment. God forbid that he should appear as the advocate or apologist of any unnecessary act which could in the slightest degree offend or wound either the reasonable or the unreasonable susceptibilities of any class of his fellow-countrymen; whenever such performances had occurred he had always been the first to deprecate and to con-

demn them. At the same time, it must be remembered that there were districts of the country where the unity of religion and political sentiment was so complete that these demonstrations incurred no risk whatever of interruption or of giving offence to those who did not take part in them. In those districts they were simply regarded as for holiday occasions, and women and children frequently took part in them. Of course, there were other districts the circumstances of which were very different: yet even in those districts it must be remembered that, in the original conception of those demonstrations, no slight whatever was intended either to the religious or political sympathies of those who were opposed to them. So far was this from being the case, that he believed originally, even in Derry, both Roman Catholics and Protestants took equal pride in commemorating the Siege of Derry; and he was not afraid to confess that, to anyone to whom the records of Irish bravery and courage were dear, the reminiscences afforded both by the defence of Derry and the defence of Limerick were equally subjects of justifiable pride. Unfortunately, however, since the Roman Catholic population of Derry had increased, the demonstrations there had assumed a very different aspect, and they had come to be regarded with unmistakable hostility by a great proportion, if not by a majority, of the inhabitants of the neighbourhood. As a consequence, it had been necessary to take extraordinary precautions against a breach of the peace. Of course, it would always be the duty of the Government to maintain peace and prevent bloodshed, and to continue to take the same precautions in the future that they had taken in the past. With the powers granted under this Bill the Government were of opinion that they would be in a better condition than ever to exercise these essential functions, and to prevent conflicts and stop the effusion of blood. It was his misfortune to have found himself on one occasion in the midst of the carnage arising out of one of these feuds, where he had seen a greater number of dead and wounded persons taken from the field than had often fallen on board the leading line-of-battle-ships, in one of England's bloodiest naval victories. In any event, feuds and broils of this kind did not need to be fomented by the pro-

visions of an Act of Parliament which was distasteful both to those in whose favour it was passed, and to those against whom it operated. But, while pressing their Lordships to agree to the repeal of this Act, he could not help also addressing an appeal to his fellow-countrymen in Ireland, beseeching them in taking advantage of the privileges Parliament was thus willing to restore to them, to do so with forbearance and caution; to forbear from exercising them in those districts where they were likely to give offence or likely to lead to breaches of the peace, and to show a generous and magnanimous consideration for the reasonable, or even unreasonable, prejudices and susceptibilities of the rest of their fellow-countrymen.

Moved, "That the Bill be now read 2^d."
—(*The Earl of Dufferin.*)

LORD CAIRNS joined with his noble Friend opposite (the Earl of Dufferin) in expressing the very great pleasure it had given him to find that it was thought possible to propose to Parliament the repeal of this Act. It was his fate, when he had the honour of a seat in the House of Commons, very often to urge on the Government of the day the repeal of that statute; and he felt the Government now took a wise course in proposing its repeal. The details of the statute and the cognate Act subsequently passed were so petty, the annoyances under it were so continuous and so minute, that it often appeared to him vain to expect that any people professing to be free would long submit to them. Another reason why he thought the statute had been productive of evil consequences, however excellent the intentions of those who proposed it, was this—he believed it to be utterly impossible for any Government, he would not say to execute its provisions impartially, but to avoid the suspicion of executing them with partiality. He believed that every Government, of whatever party, was always in a position of suspicion. Those who considered themselves in Opposition were always watching with the keenest and most scrupulous eyes to discover some case in which they thought the Government had failed to enforce the Act against their opponents. That had been the uniform position of the Irish Government under these Acts. He thought there was another very serious

objection to the provisions of such statutes. He was afraid it was part of our human nature which must be dealt with that if you subjected people to petty curtailments of what they naturally consider their privileges, many would take a kind of pleasure and delight in trying to balk and violate the law which they thought improperly fettered and restrained their free action. That was eminently the case with these statutes. He believed that even women and children took a pleasure in displaying banners, guns, and pikes, and marched in procession simply to show their contempt for the law. He cordially joined in the appeal of his noble Friend to their fellow-countrymen in Ireland that they would show their good sense by abstaining from these processions; and he believed the most effectual way of inducing them to do so was to leave the people free and unfettered in matters so minute and trifling in themselves. He rejoiced the repeal of these statutes had been proposed, and he hoped the Government would find that, in place of the Executive being weakened in Ireland, the common law would be found sufficient.

THE EARL OF ENNISKILLEN was understood to express his approval of the measure.

LORD ORANMORE AND BROWNE approved the repeal of the Act, for the actual result of the action of the Government under it had been the permission of Fenian meetings, while Protestant meetings in the North had been interfered with. It was, therefore, desirable that the Processions Act should be repealed.

THE EARL OF KIMBERLEY said, that in view of the happy unanimity that prevailed on both sides of the House as to the wisdom of repealing this Act, it was not his intention to have addressed their Lordships on the subject; but he could not allow the statement of the noble Lord who had just spoken to go forth uncontradicted. He emphatically denied the noble Lord's statement. No Government—and certainly not the present one—had ever permitted a Fenian meeting. Undoubtedly there had been meetings held by what were called the Green Party in Ireland, and these could not, according to the opinion of the Law Officers of the Crown, be touched by the Party Processions Act. Hence

Lord Cairns

had arisen an appearance of partiality which was much to be deplored. That was one reason why these Acts ought to be repealed.

LORD ORANMORE AND BROWNE explained. He might instance two meetings, one held on the occasion of the funeral of a Fenian, and the other in Dublin, on the raising of a statue to Mr. Smith O'Brien, a convicted rebel.

Motion agreed to: Bill read 2^a accordingly, and committed to a Committee of the Whole House on Friday next.

PACIFIC ISLANDERS PROTECTION

BILL—(No. 90.)

(*The Earl of Kimberley.*)

COMMITTEE.

Order of the Day for the House to be put into Committee, read.

THE EARL OF CARNARVON said, that having been unfortunately absent from illness on the occasion of the second reading, he would beg permission to make a few observations now. He quite approved of the principle of the Bill; but he thought there had been great exaggeration in the stories of the kidnapping and treatment of the natives of the South Pacific. He thought there was a great distinction to be drawn between the natives of some of the islands—such as the Fijis and others, where, from the powerlessness of the Government, abuses very probably took place—and the natives of the Pacific Islands who were removed to Queensland. He was informed by persons of property and authority that in regard to the latter, in the great majority of cases, they went there of their own accord; that they were free to return after having served for the time stipulated in their indentures; and that during their stay they were much morally benefited, and, in some degree, civilized. At the same time, it might, no doubt, be desirable that the arrangements of the service should be supervised by the English Government, in order to make sure that it was carried on in a proper manner. He understood that the main difficulty with regard to these islanders was their feebleness of constitution, so that they readily succumbed to any attack of disease. On one other point, he desired to say a word. In the debate that took place upon the second reading of the Bill re-

ference was made to the murder of Bishop Patteson, and the noble Earl the Secretary for the Colonies was understood to have expressed himself in terms condemnatory of the proceedings that had since taken place. Now, all the facts attending the attack upon the ship were not yet known; but he believed that when the captain of the English vessel had proceeded to the island for the purpose of inquiry into the murder of the Bishop, he was fired at, and one of the crew was either killed or wounded, and therefore the captain assumed the aggressive. It certainly was not clear to him that the captain was wrong in so doing. It was at least a remarkable fact that many years before any question arose as to this illicit deportation of South Sea Islanders, one of the attendants of Bishop Patteson was murdered by the natives of this very island, in the self-same spot and under the eyes of the Bishop. It was anyhow clear from this that these natives were, apart from any sense of wrong done to them for the kidnapping of their own people, a barbarous and savage race. In the same discussion a right rev. Prelate (the Bishop of Lichfield) expressed an opinion that no retribution should be exacted for the murder of Bishop Patteson, but that it should be left to God to punish the offence, and that that would have been the feeling of Bishop Patteson. Such a sentiment might be very becoming in the mouth of a Christian Bishop; but the judgment by which the action of the State should be guided was very different, and he should be extremely sorry to see it accepted without some protest from that House. No one could entertain a higher opinion than himself of the late Bishop Patteson, who, he believed, fell a martyr in the cause of Christianity; but murder required punishment, and he did not think it well that in such a case the State should do nothing, but leave the matter to the vengeance of God.

THE EARL OF KIMBERLEY said, the noble Earl (the Earl of Carnarvon) had referred to a great number of subjects, into which he (the Earl of Kimberley) hoped the House would not expect him to follow, inasmuch as they really had no particular connection with the subject before their Lordships. The Commission on the subject of Coolie la-

bourers in British Guiana had carried on inquiries at the expense of its colony. It did not seem to him unreasonable that the colonies should bear the expense of such inquiries. Perhaps, in the case of Queensland, there might have been an apprehension that the inquiry would extend to matters which did not directly concern that colony; and on that ground objection was raised to the whole of the expense falling on the colony. It was said that the Imperial Government ought to have been more active in endeavouring to check this traffic. But to do so would be impossible without sending out such a fleet of cruisers as their Lordships probably never contemplated. These islands extended over thousands of miles of sea, and were hundreds—probably thousands—in number; and it would be quite impossible to keep an efficient police over such a network of islands, reefs, creeks, and harbours. The Government had, however, been endeavouring to do their best to meet the difficulties, and he hoped that with regard to some of these islands a tolerably good watch would be kept up. It had been resolved to reinforce the Australian Squadron, and to give instructions that steamers should visit the islands from time to time in order to prevent abuses. The best mode of preventing the evils which existed would, however, be found in making effective regulations with regard to these islanders when they arrived at their destination. He was, he might add, unable to agree to one suggestion which had been made, to the effect that those immigrants who might not have thoroughly comprehended the contract into which they had entered should be entitled to have that contract made void, and to be taken back to the place whence they came. There were two or three objections to the adoption of such a course. Who was to provide the funds for this purpose? If the immigrants were landed in Queensland, it was not a subject for Imperial but colonial legislation.

House in Committee.

Amendments made; the Report thereof to be received on *Friday* next; and Bill to be *printed*, as amended. (No. 100.)

House adjourned at a quarter past Seven o'clock, to *Friday* next, half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 7th May, 1872.

MINUTES.]—SELECT COMMITTEE—*Report*—
Turnpike Acts Continuance [No. 184]; Law of
Rating (Ireland) [No. 187].
PUBLIC BILLS—*Ordered*—Tramways Provisional
Orders Confirmation (No. 4)*.
First Reading—Consolidated Fund (£8,000,000)*;
Ecclesiastical Courts and Registries* [159].
Second Reading—Corrupt Practices at Municipal
Elections* [86].
Committee—*Report*—Building Societies* [66-
153].
Third Reading—Irish Church Act Amendment*
[87]. [House counted out.]

CONTROVERTED ELECTIONS.

Mr. Speaker informed the House, that he had received from Chief Justice Monahan, one of the Judges selected, pursuant to the Parliamentary Elections Act, 1868, for the trial of Elections Petitions, Reports relating to the Election for the County of Kerry.

TREATY OF WASHINGTON.
TRIBUNAL OF ARBITRATION (GENEVA).
THE INDIRECT CLAIMS.

OBSERVATIONS.

MR. GLADSTONE: Sir, the attention of hon. Members may probably have been called to an announcement made by my noble Friend the Foreign Secretary on behalf of Her Majesty's Government in the House of Lords yesterday; and, although it had no distinct reference to the House of Commons, I think hon. Members would like to know that the same intention which Lord Granville expressed in regard to the House of Lords holds good with reference to this House also: that is to say, that at the earliest moment—it may be before Monday, I hope—we will put Parliament in possession of the state of the negotiations with America. We certainly shall feel it our duty, before the House separates for the Recess, either to lay Papers before it, or to make a statement, as may seem most conducive to the public interests, so as to enable the House to judge how far we have been acting in accordance with the views generally entertained in the country. We feel very deeply grateful for, as well as conscious of, the extraordinary forbearance by Parliament and by the whole country upon this matter. We are grateful for it as a mark of the confidence reposed in us, not as a particular

Government, but as the Government, which is charged with very great and important public interests. I trust it will be found that we have acted in a spirit which will testify that the expression of our gratitude is not a mere empty declaration, but that we have been actuated by a spirit which will meet the approval of the country generally.

INDIA—KOOKA INSURRECTION.

QUESTION.

MR. KINNAIRD asked the Under Secretary of State for India, If he has any objection to lay upon the Table of the House the papers relating to the late Kooka Insurrection in India; and, if he has any objection to state to the House the grounds of Mr. Cowan's dismissal from the Civil Service of India, and of Mr. Forsyth's removal to another Province?

MR. GRANT DUFF: Sir, I will lay the Kooka Papers on the Table after they are complete. Mr. Cowan has, I presume, been dismissed, and Mr. Forsyth removed, for their conduct in the Kooka affair; but the despatches explaining the decision of the Government of India have not reached us, and cannot reach us for some time, the telegraph anticipating the mail by nearly a month.

TICHBORNE v. LUSHINGTON—PROSECUTION OF THE "CLAIMANT" FOR PERJURY.—QUESTION.

MR. ONSLOW asked Mr. Chancellor of the Exchequer, Whether he will state to the House the reason why the Government intend to use the public money for the purpose of prosecuting the Claimant to the Tichborne Estates; and why, in the case of Overend and Gurney, they refused to prosecute on the ground of its being a private matter?

THE CHANCELLOR OF THE EXCHEQUER: Mr. Speaker, I will answer the last part of the Question of the hon. Gentleman first, for a reason that will appear presently. It appears that the First Lord of the Treasury and the Attorney General, in 1869, in defending the conduct of the Government with regard to the refusal to prosecute the partners in the firm of Messrs. Overend, Gurney, and Co., applied three tests to that conduct, which were as follows:—Firstly, was there likely to be a convic-

tion; secondly, what was the moral turpitude of the offences charged; and, thirdly, was it likely that, if the Government did not prosecute, private persons would come forward to do so? They argued that the partners in the firm of Messrs. Overend, Gurney, and Co. had not been guilty of any great degree of moral turpitude; that the offences of which they had been guilty were, unhappily, very common in the commercial world—the difference being that in this case these practices—which, of course, no one can defend—had been productive of very widespread ruin. They argued also that these were offences on the confines of civil and criminal law, where private and public crime were hardly distinguishable from each other, and that it was scarcely likely under the circumstances that a conviction would be obtained, and that if they did not prosecute there were plenty of persons possessed of sufficient means to institute a prosecution of their own. Their expectations were justified, for a prosecution by private persons followed, and no conviction ensued. I propose to answer the Question of the hon. Gentleman with reference to the prosecution of the Tichborne Claimant, keeping these three principles or tests in view. Before doing so, however, I will state one thing which distinguishes this case from that of Messrs. Overend, Gurney, and Co., and from most other public prosecutions—namely, that the prosecution was directed under the authority of an Act of Parliament by the Lord Chief Justice of the Common Pleas, who tried the cause out of which the prosecution has arisen, and bound over the witnesses to prosecute. It is, therefore, very different from the Government saying that they would commence the prosecution themselves. To have taken any other course would be tantamount to refusing the assistance of the public funds to a decision solemnly arrived at by one of our highest legal authorities. I might, if I pleased, stop here; but there are further considerations. It appears to me that the case so far satisfies the first test completely, and that there is probable and reasonable ground to expect a conviction, because the claimant was himself the principal witness in the case, and the jury by the way in which they stopped it implied that they did not believe a particular statement to which he had sworn

—namely, his evidence with regard to the tattooing. Their decision, therefore, had something of the effect of a finding of the grand jury. Then, if we come to the question of moral guilt, supposing this person to be guilty, it is hardly possible to conceive a case of higher moral turpitude. If he is guilty, he is guilty not of mere misrepresentation, like that charged against the Overend and Gurney Directors, but of wilful and corrupt perjury on the most gigantic scale, committed, too, for the purpose of depriving an infant of his inheritance. He is guilty also, if he should be found guilty of the offence he is charged with, of endeavouring to ruin by false swearing the honour and character of a most respectable lady. And, lastly, he has, in the prosecution of his guilty ends, if so be that he is guilty, produced an amount of inconvenience and disturbance to the public service which is without parallel. There can, therefore, I think be no doubt that, considering the magnitude of the offence charged, the Government were perfectly justified in coming forward to prosecute. I can assure the hon. Member that I am not at all anxious to embark the public money in any improper ventures; but the course that has been pursued has my hearty assent. I think, too, that, if we did not prosecute, the very complexity of the claimant's machinations, supposing him to be guilty, would turn out to be his best defence, because the enormous expense that they have caused have probably placed it out of the power or out of the will of the family to bring him to justice. The issue must in some shape turn upon the identity of this person, and it must necessarily involve heavy expenditure. It can, therefore, hardly be expected that the family, who have already suffered so much, should come forward and incur this additional expenditure merely for the sake of public justice. These are the reasons why we have determined that assistance should be given from the public funds to this prosecution, and I hope it will be understood that, as far as the course adopted by the Attorney General is concerned, it has my entire concurrence.

MR. HERMON: In consequence of the statement by the Chancellor of the Exchequer, that "these offences are unhappily very common in the commercial world," I give Notice that on a

future day I will ask him for the names of those firms which have been guilty of commercial dishonesty to which he made allusion.

THE CHANCELLOR OF THE EXCHEQUER: I stated to the hon. Gentleman what was the purport of the arguments advanced by the Government in 1869, and I stated also that I was not giving my own opinions. If he will refer to the speeches made by the Law Officer he will find the words I quoted; and I entirely decline, because I repeated those words, to be drawn into any controversy respecting their employment.

An hon. MEMBER: Whom did the right hon. Gentleman quote?

THE CHANCELLOR OF THE EXCHEQUER: The Attorney General of that day, Sir Robert Collier.

ARMY-COMMISSIONS-EXAMINATIONS. QUESTION.

COLONEL BRISE asked the Secretary of State for War, Whether candidates for Commissions in the Army, whose names were on the list previous to the Royal Warrant of July last, but who had not passed any examinations, will have any precedence over those candidates whose names may be sent in at any time previous to the competitive examinations; and, if there is to be selection for the competitive examinations, upon what principle the selection will be made?

MR. CARDWELL: Sir, no precedence will be given to anyone in the competitive examinations, except as the result of proficiency. There will be no selection, but everything will be free, in the same manner as in the competition at Woolwich.

INDIA-APPOINTMENT TO THE PERSIAN MISSION.—QUESTION.

MR. EASTWICK asked the Under Secretary of State for Foreign Affairs, Whether, in the nomination of a successor to Mr. Alison, the recommendation of the Diplomatic Committee of last year will be taken into consideration in whichever department of State the Persian Mission may be?

VISCOUNT ENFIELD: Lord Granville is not prepared to restrict the choice of a representative of Her Majesty at the

Mr. Hermon

Court of Persia to any particular class of public servants; that choice, when occasion arises, must be determined by various considerations; and the general interests of the Empire will, Lord Granville considers, be more safely provided for by leaving that choice in the hands of the Secretary of State for Foreign Affairs. With these views, Lord Granville has submitted for Her Majesty's approval the name of a gentleman who has been for many years conversant with the country, politics, and affairs of Persia.

PARLIAMENT-PUBLIC BUSINESS. ADJOURNMENT FOR THE WHITSUN- TIDE RECESS.—QUESTION.

COLONEL BARTELOT said, that he felt perfectly certain that they would all be rejoiced to find either that the Indirect Claims had been abandoned by the American Government or that, at all events, the right hon. Gentleman and the Government had done everything in their power to protect the interests of this country. He should, however, be glad to learn, What course the right hon. Gentleman meant to pursue with regard to the holidays; whether he was going to follow the course recommended in "another place;" whether a debate was likely to occur upon this great question on Monday and the following days, or whether he would insure the rising of the House on Monday?

MR. GLADSTONE: Sir, I presume that the hon. and gallant Gentleman classifies the holidays under the head of "direct claims." I can assure him that there is every desire on the part of the Government to treat them with every consideration. We shall endeavour to put the House before the Vacation in the best position we can with regard to the actual situation of affairs, so that it may form its judgment, not, perhaps, upon the whole merits of the case, but as to whether it will be necessary or expedient to interfere with the arrangements at present contemplated with respect to the holidays. If that be so, we shall, of course, conform to the wish of the House with regard to the postponement of the day of adjournment.

NAVY—STEERING AND SAILING RULES.

MOTION FOR A SELECT COMMITTEE.

SIR JOHN HAY rose to call attention to the frequency of collisions at sea, and to move, That a Select Committee be appointed to inquire whether the present Steering and Sailing Rules cannot be modified so as to reduce the present risk to life and property at sea. Since the time that the House had last considered this question no diminution had taken place in the loss of life and property at sea. The risk of danger had been added to by the rapid rate of sailing of our passenger vessels. The loss of life and property had been very great, and he hoped the House would think it to be for the public advantage that public inquiry should take place in this matter. Documents already in the possession of the House showed that in 1861 there were 89 lives lost through collisions at sea; in 1862 there were 54; in 1863, 41; in 1864, the year after the passing of the regulations now in force, 91 lives were lost; in 1865, 53; in 1866, 127; in 1867, 160; in 1868, 86; in 1869 there were 118 lost in British waters and 29 in British vessels elsewhere; in 1870 there were 60 lost in British waters and 50 elsewhere. This made a total in the 10 years of nearly 1,000 lives. He did not attribute the loss entirely to the defective character of the regulations; but thought there was reasonable ground for believing that a modification of the rules would prevent much of the loss. The Board of Trade had not met all the necessities of the case, and further arrangements were necessary. The collisions during these 10 years numbered 3,662, an average of 366 a-year, or rather more than 1 a-day. The Secretary of Lloyd's stated that, although the number of sailing vessels had decreased by 9 per cent, the collisions with sailing vessels had increased by 7 per cent. The number of steamers had increased by 9 per cent, and the number of collisions by 39½ per cent. From 1831, when the old rule was in force requiring a ship on the larboard tack to give way to a ship on the starboard tack, down to 1862, when the present regulations were issued, various changes had been made in the rule of the road at sea, and in 1868 a further Order in Council was issued explaining these rules and regulations and modifying them in some respects. In

1848 the first regulations was made that steamers should carry red and green lights. In 1858 the duty of carrying lights was extended with respect to sailing vessels. The last time he introduced this subject the right hon. Gentleman the Member for Birmingham (Mr. John Bright) was President of the Board of Trade, and he stated that these rules and regulations were passed with the consent of the Admiralty. He (Sir John Hay) had enjoyed the honour of a seat at the Admiralty, and he was well aware how the matter stood, for he had been engaged in the negotiations between the Admiralty and the Board of Trade. A letter, dated February 22, 1867, signed by his noble Friend the Secretary for the Admiralty (Lord Henry Lennox), was issued, from which it would be seen that the Admiralty had received several letters on the subject, and a proposition was made that it should be seen if there could not be some changes in the present regulations. The Board of Trade did not recognize the necessity of further change, and conceived that foreign nations having adopted the regulations the disadvantages of the change would be greater than the advantages. At the request of the right hon. Member for Droitwich (Sir John Pakington) he went to the Board of Trade and was placed in communication with Mr. Gray, the very able Superintendent of the Marine Department of the Board; but no agreement was come to between them. Later in the year 1867, when his right hon. Friend the Member for Tyrone (Mr. Corry) was at the Admiralty, a further correspondence was carried on with the Board of Trade; but still no agreement could be come to, and the Admiralty resolved to act independently with regard to Her Majesty's ships. He had himself placed on the Table of the House amended rules, which simplified the present rules, and removed from them words which tended to produce confusion. He, however, by no means wished to direct the attention of the House to those amended rules, to which he was not at all wedded; but he thought an inquiry by a Select Committee was desirable, and that evidence should be taken to ascertain how far a change in the existing rules would be beneficial. The amended rules which he had suggested might, if submitted to the Committee, possibly be of some assistance in guiding them to a decision.

He quoted a reply by the right hon. Gentleman the Member for Droitwich (Sir John Pakington) to a Question put to him when he was in office, stating that rules had been framed by the Admiralty and approved of by foreign countries; but admitting that the question was one of very much interest, and that as several accidents had occurred at that time he proposed to confer with the Board of Trade and Trinity House to ascertain whether the rules could not be made more simple, especially in regard to the exhibition of the lights. Again, on May 27, 1867, the right hon. Gentleman the Member for Tyrone stated that the Admiralty had been in communication with the Board of Trade on the subject, but no conclusion had been come to. In 1869 his gallant Friend Sir Alexander Milne, Commander in Chief in the Mediterranean, had written him a letter, already quoted in this House, in which the writer stated that he had always thought that certain changes should be introduced. The late Admiral Seymour, another member of the Board, also stated in this House that he concurred in the introduction of certain changes, although he admitted that no regulations would altogether avert collisions at sea. It was therefore clear that the concurrence of the Admiralty with the Board of Trade was not so entire as the House had been led to imagine. Another point he wished to call the attention of the House to was that the Judicial Committee of the Privy Council objected very strongly to the explanations as they were affixed to the Regulations of 1868. A letter from Mr. Reeve, Registrar to the Privy Council, stated that when the Judicial Council asked the Board of Trade for an explanation of the rules, their Lordships replied that it was dangerous to give any official paper with an interpretation of the regulations, as the interpretation rather belonged to courts of law; so that the Privy Council objected to the issue of explanatory rules, because they might be at variance with the decisions of the Judges. Again, the concurrence of foreign nations to the amended regulations had not been fully obtained as yet. The French Government concurred with some difficulty, seeing some danger in the adoption of the rules, and the American Government had gone still further. In consequence, or he should rather say at the time of the collision between the

Sir John Hay

Oneida and the *Bombay*, the Government of the United States entered into a correspondence with the British Foreign Office, and the Government of the United States adopted another system of signal lights to call the attention of approaching vessels as to the intention of a vessel with regard to the helm. He would not weary the House with old cases; but he wished to show that, even at this moment, the Judges gave decisions at variance with the regulations and the explanations of the Board of Trade. In addition to the explanations issued by the Board of Trade, there were two books constantly in the hands of seamen which explained the rule of the road at sea—one of them the work of Mr. Olliver, and the other that of a gallant friend of his (Captain De Horsey). The case of the *Northumberland* and the *Leopard* was reported in *The Shipping Gazette* of the 23rd of April last. That case was decided at variance with the regulations and explanations of the Board of Trade. Those two vessels, the *Northumberland* and the *Leopard*, were meeting. They were not exactly end-on, and what the expression end-on meant the Judges had not yet been able to determine. When they were nearly meeting, the *Leopard* saw all the lights of the *Northumberland*; whereas the *Northumberland* saw only the green and the bow lights of the *Leopard*; and, according to the rule, the *Northumberland* should have kept her course, which she did, and the usual collision having occurred, the *Northumberland* was condemned for not having ported before. This was clearly at variance with the rule of the road as given by the Board of Trade. Since this rule had been established there had been no diminution in the number of vessels and of lives lost, while the number of collisions had largely increased. The rules of the Board of Trade required that there should be no change of course until there was a risk of collision; but he maintained that a vessel ought to take its right side of the road long before any such risk was incurred. He saw the Prime Minister in his place, and had been informed of the experiments made in his presence at Walmer and of the warm interest he had expressed in what he was pleased to term "the mute language of the rudder," and he hoped the right hon. Gentleman would consent to the granting of this inquiry, which

would be extremely advantageous for the public service.

CAPTAIN EGERTON said, he thought there were good reasons for moving the Motion now submitted, inasmuch as there were very great differences of opinion among naval men regarding the regulations. He himself thought the present regulations were fitted for the stupid man as well as the clever one, and any great alteration in them would tend far more to confuse people than to contribute to the advantage of the ship-owner. But the whole subject required emendation. If a Committee were granted on this subject, a considerable quantity of invaluable evidence would be obtained, and some slight modifications might be suggested which might be extremely important. No complicated system of lights or fireworks would answer, because the fishing boats and other small vessels with which collisions usually occurred were sure to be unprovided with the necessary apparatus. It must be recollected that there had been a great alteration in the size and speed of vessels navigating the narrow seas since the present regulations had been framed, and that steamers of 250 feet long had been replaced by others 400 feet or 500 feet in length. He begged to second the Motion.

Motion made, and Question proposed,

"That a Select Committee be appointed to inquire whether the present Steering and Sailing Rules cannot be modified so as to reduce the present risk to life and property at sea."—(Sir John Hay.)

MR. HANBURY TRACY said, he was very sorry that he could not agree with the Motion of his hon. and gallant Friend (Sir John Hay). No one could be more aware than he was that the hon. and gallant Gentleman had paid very great attention to this subject, and was a very great authority on the question. He thought it could not be denied that the present rules were far from perfect, and undoubtedly very great improvements might be made in them. He was also inclined to think that the theory of his hon. and gallant Friend was correct, that when ships were to the right of each other, a starboard helm ought to be used. The question appeared to him, however, not to be as to whether this or that alteration ought to be made; but whether, after the very limited experience they

had had, they were justified in unsettling the rules which all the maritime nations of the world had agreed to. He thought it ought to be remembered that it was only in 1862 that the existing rules were adopted, after a very considerable amount of correspondence with foreign Powers; and he thought it was obvious to everyone that the House would be incurring a very great responsibility if they did anything which would tend to upset an arrangement, after so short a space of time as 10 years, which had been entered into not lightly, but after long deliberation, with the accumulated experience of years—a decision which had been arrived at by the Trinity House, Admiralty, Board of Trade, Judges of the Admiralty Courts, and by the advisers of the whole maritime marine of the world. He considered the regulations, having been adopted by all foreign countries, ought to be looked upon almost in the light of an International Law. As far as he could discover no complaints whatever had been made by any foreign country, and the mercantile marine of this country were unanimous against any change being made. The great thing to be aimed at was to have as few rules as possible, and these thoroughly understood, and then to leave the matter to the common sense and seaman-like qualities of the captains. Speaking with some practical knowledge—formerly as a lieutenant in charge of a watch—he could testify that nothing was so perplexing, on a dark night, in a moment of peril, with a vessel close aboard of you, to find yourself hampered with a mass of puzzling regulations. When the existing rules were in the hands of competent seamen, he believed it was almost impossible to go wrong. During the last few days he had made inquiries of the great steamship companies, and he found that they, one and all, without a single exception, deprecated the appointment of this Committee. What they said was this—"Our captains and officers are now well up in the existing rules; if you disturb the present arrangement, you will only confuse them, and there is nothing so dangerous as a time of transition. We are quite satisfied to let the rules remain as they now are, and very much deprecate the unsettling of the question." He sincerely hoped that the House would not grant the Committee, as he was con-

vinced, if appointed, it would only have the effect, for a number of years, of disturbing an International agreement which, in the interests of all the maritime nations of the world, ought to be regarded as sacred, and which certainly should not be touched without very much stronger cause than that shown by the hon. and gallant Baronet.

MR. T. E. SMITH said, he hoped that the Government would accede to the appointment of this Committee. They had now an enormous number of fast steamers traversing every sea, and it was very desirable that there should be an inquiry whether our rule of proceeding was right or wrong. If the Committee should report that our rules were correct it would give them additional force, and if alterations were advised, such alterations would probably soon be adopted by foreign nations. If any improvement were to be made our own country surely ought to take the initiative in the matter. He desired no relaxation, but a stricter rule as to porting the helm, for the only way of preventing collisions at sea was to adopt something of the principle by which the traffic in the streets of London was regulated.

SIR JAMES ELPHINSTONE said, he thought that it was of the greatest possible importance that they should grant this Committee. One thing which should be borne in mind was the extreme rapidity with which ships now approached each other—a circumstance which much increased the difficulty of forming an opinion and acting upon it when there was danger of collision. There was a general impression that the existing rules were departmental rules rather than the result of the experience of seafaring men. What they would gain by the appointment of this Committee would be an exhaustive Report based upon the opinions of the best authorities upon the subject.

MR. STEPHEN CAVE said, he could assure his hon. Friend that the rules were not simply departmental ones. They were the result of considerable discussion between the Admiralty, the Trinity House, representing the Mercantile Marine, and the Board of Trade. Foreign Governments took some time in considering the question, and the French Government suggested alterations, some of which were adopted; but in the end the rules and

explanations met with the general concurrence of the Mercantile Marine and foreign Governments. He himself was at the Board of Trade at the time, and he was to some extent responsible for the rules that had been discussed that night. The credit, however, of framing the explanation of the rules was due to Mr. Gray, a most excellent permanent official of the Board of Trade. He went so far that he reduced the rules into verse—he could hardly call it poetry—which began thus—

“Green to green, red to red,
Perfect safety; go ahead;”

and these lines had been translated into almost every language upon the Continent. He also gave lectures, and illustrated his subject by having boys who had green and red ribbons upon their arms, and who ran towards each other and came into collision from every point of the compass. The question of collisions was a most difficult one—something, indeed, like the warranty of a horse, where there was hard swearing on both sides, and the truth could scarcely be ascertained. The frequency of collision was attributed by some to an unfortunately increasing want of discipline in the merchant service, and to the difficulty of making sailors obey rules perfectly and promptly. When at the Board of Trade, on this question being frequently brought forward by Mr. Holland, and others, he had always defended the rules, and attributed accidents to disregard of, rather than to obedience to, them. Some years, however, had since elapsed, and it was impossible to overlook the fact that professional men of the experience of his hon. and gallant Friend all took a different view. The decisions of Courts had also thrown additional difficulties in the way, it being impossible to know whether those who obeyed the rules would be sustained by the Courts or not. He should still resist any Motion for a repeal or modification of the regulations. They had, however, been to a certain extent discredited, he thought unjustly, and an inquiry could do no harm, while it might do good. If it confirmed the rules, as he believed would be the case, the Courts would no doubt be influenced by such a result, and their future decisions would be brought into greater harmony with the rules; whereas, if alterations were shown to be necessary, the sooner they were settled

Mr. Hanbury Tracy

the better. He hoped, therefore, the Government would accede to the Motion; but if they did not, he should be obliged to vote for it.

MR. CHICHESTER FORTESCUE agreed with the right hon. Gentleman (Mr. S. Cave) as to Mr. Gray's services in this matter. It must not be supposed, however, that the rules rested merely on his authority, for they were settled in 1862, after an immense amount of consultation between all the Departments of the State interested in the subject, and they had since that time received more and more the sanction of the maritime Powers of the world. This being so, he was surprised that the right hon. Gentleman should feel himself bound to vote for the Motion. He entirely agreed that discussion and what was called "ventilation" of a question was a very good thing; but in this case he believed that the re-opening of the subject by a public inquiry would do a great deal more harm than good. He felt that his responsibility upon this question was no light one, and he submitted to the House that however plausible and taking a Motion for a Committee might be, it was not the duty of the Government or of the House to lend itself to any such inquiry, of which the effect would be the unsettling of the minds of sea-faring men, and the throwing great doubt upon things that should not be doubted. He understood that the foundation of the Motion was the number of collisions that took place at sea. The figures, however, varied so strangely from year to year that it was almost impossible to draw any rational conclusion from them. He was informed that the increase in the number of collisions was in a large degree owing to the great increase of tonnage—that was, of the number of vessels—and that there had been no increased collisions out of proportion to the increase of tonnage. To-day the Secretary of Lloyd's Association absolutely denied to him the statement that the collisions had increased beyond that proportion, or that the rule of the road had anything to do with the increase of collisions. It was not for him (Mr. Chichester Fortescue) to say what was the cause of these unfortunate collisions. Many causes were alleged, one of them being that the intense degree of competition which now prevailed, and which was greater than ever was

known before, led to greater hurry, risk, and recklessness than ever happened previously. But whatever might be the cause of these collisions, his hon. and gallant Friend (Sir John Hay) did not move for an inquiry into the cause of collisions; he proposed an inquiry, whether the rule of the road at sea could not be amended? The question was, whether it would be expedient to re-open the whole question of the rule of the road at sea which was now the maritime code of every nation of the world that was of the slightest importance. The hon. and gallant Member said that he did not attribute the increased number of collisions to the rule of the road; but still he thought that the rule of the road might be improved. He tried to detract from the authority of these rules by saying that there had been a difference of opinion upon them between the Board of Trade and the Admiralty, especially as to the two new rules that explained the original ones. No doubt there was a kind of misconception at first as to the two rules; but the Departments afterwards came to an entire agreement, as was shown by the Order in Council of July, 1868, making the additional rules the law of the land just as much as the original rules were. As to the Judges not being bound to pay attention to the explanations, diagrams, and so on of the Board of Trade, he must say that he believed these explanations were of the greatest possible benefit to seafaring men. As to the two additional rules, the Judges were just as much bound to regard them as they were so to regard any other part of the law of the land. Two years ago, when his distinguished predecessor at the Board of Trade—namely, the right hon. Gentleman the Member for Birmingham (Mr. John Bright)—was in office, he felt it his duty steadily to oppose not only any alteration of these rules, but any such Parliamentary inquiry as would re-open the whole subject. His right hon. Friend said he thought there would be every disadvantage in appointing a Committee to inquire into a matter which all maritime nations believed had been satisfactorily settled. Everything that had happened since had confirmed the view which his right hon. Friend then took. His hon. and gallant Friend said the two additional rules had not been assented to by other parties. In that he believed his hon. and gallant

Friend was entirely mistaken. In the Papers which had just been laid upon the Table of the House, it would be found that there was transmitted to the Foreign Office an Ordinance of the German Empire, passed at the end of last year to prevent collisions at sea, and which Ordinance embodied the whole of our rules, including the two additional and interpreting rules. All the maritime nations in the world would be surprised if after a solemn inquiry Parliament abrogated rules which they had adopted, with which they were satisfied, and with respect to which they had made no complaint. Nothing, indeed, would surprise them more than to find that the Parliament of England had come to the conclusion that the subject was beset with doubts and difficulties, and that the rules were capable of serious change and improvement. Of course, he did not mean to deny that any particular set of rules might in some respects be improved; but he maintained that it would be most unwise to unsettle rules which had been adopted by all maritime countries for the sake of the slight improvements that had been indicated by the Proposer and Seconder of the Motion. The opinions of gentlemen in this country who had a right to be heard on the subject were adverse to the proposed inquiry. The Papers which would be laid before the House in the course of a few days, showed that Lloyd's Salvage Association had strongly expressed an opinion in favour of the existing regulations, as had also the Irish Steampacket Company, and Mr. Gray Hill, the secretary of the Liverpool Steamship Owners' Association. That very day a gentleman of high authority on a matter of this kind—Mr. Harper, the Secretary of Lloyd's Salvage Association—had called upon him and expressed an earnest hope that he would not agree to the appointment of the Committee proposed by the hon. and gallant Baronet. Mr. Harper stated his belief that the rules were for all practical purposes complete, and that even if some slight improvements might be made in them, frightful danger might arise from introducing uncertainty and confusion as to the rule of the road at sea into the minds of the seafaring population, who had to act upon that rule under the most critical circumstances. Mr. Harper concluded by saying that his opinion was

Mr. Chichester Fortescue

shared by the 50 or 60 nautical men connected either with the Royal Navy or the Mercantile Marine who were members of the Association. With these facts before him, and having regard to the view taken by his predecessor, it would be impossible for him to advise the House to enter upon the inquiry.

MR. G. BENTINCK said, he had heard the decision of the right hon. Gentleman with great regret. He was not prepared for any hesitation on the part of the Government to go into an inquiry upon this question. He would undertake to bring hundreds of men who would tell them that the present rules of the road at sea were the cause of the loss of a large amount of life and property annually at sea. In respect to the decisions of the Courts of Law upon those matters, he would remind the House that those Courts did not always decide in accordance with the regulations that had been laid down. If a master followed precisely the rules laid down, he would very often lose his ship instead of saving it. [MR. CHICHESTER FORTESCUE dissented.] The right hon. Gentleman dissented from this statement; but he (Mr. Bentinck) had had 30 years' practical experience afloat, and from his own experience he could quote hundreds of cases in which vessels were lost by adhering rigidly to those rules, and vessels that had escaped by departing from them. In the face of all those facts he thought that the right hon. Gentleman incurred a very grave responsibility in refusing his acquiescence to this Committee. The right hon. Gentleman assumed the doctrine of infallibility in respect to those rules when he said that they were so good that they could scarcely be improved, or, if they could, the danger of so improving them would be much greater than any benefit arising from such a change could possibly be. He (Mr. Bentinck) would undertake to produce evidence before a Committee to show that the observance of those rules was the cause of great loss of life and property. It was the commonest expression in the world for seamen, in speaking of the observance of those rules, to say—though using a somewhat coarser phrase than he did—"It was going to the infernal regions by Act of Parliament." Nevertheless, the right hon. Gentleman opposite told the House that they ought not to assent to this inquiry.

What could be the objection to this Committee? If his hon. and gallant Friend (Sir John Hay) could not make out a case for the alteration of the rules, there would, of course, be an end of the question. If, on the other hand, he succeeded in proving his case, then it would be admitted that the time had come for an alteration of the laws. In refusing this Committee he considered that the right hon. Gentleman was taking upon himself the consequences of the loss of a large amount of life and property.

Mr. CHILDERS, having taken some interest in this question, wished to state why in his judgment it would be inexpedient to institute an inquiry at the present time. This was not an English question only—it was a question which concerned the whole world, and it was most desirable that Parliament, or the Government of any particular country, should not take any step which would be in advance of public opinion. Now, he ventured to state that the inquiry proposed by the hon. Baronet (Sir John Hay) would be considerably in advance of public opinion. He believed the great majority both of shipmasters and of shipowners were satisfied with the present regulations; and even among those who were not thoroughly satisfied he had reason to believe that no very definite opinions would be found, and certainly nothing approaching to agreements as to the amendments to be made. It would thus be a misfortune, even in the interest of the view taken by the hon. Baronet, to appoint a Committee which could only hear imperfect and crude evidence, and therefore come to a lame conclusion upon a subject which, if a Committee was appointed, could not be re-opened for some years. It had been stated that the Board of Trade and the Trinity House were opposed to change in the existing state of things, and he could, of his own knowledge, add that the permanent administration at the Admiralty, including Admiral Richards, Hydrographer to the Navy, held a similar opinion. Under such circumstances, he thought it would be a pity to enter into a premature discussion of this question, and that it would be better to let it stand over until they had more positive evidence to bring forward. He hoped, therefore, the hon. Baronet would not press his Motion.

Mr. GRAVES confessed that, upon this occasion his sympathy was, to a large extent, with the Board of Trade. They had been for some years educating themselves up to this point. We had been the pioneers of this question, and nation after nation had adopted our rules. Our fishermen around the coast understood every one of our signals. Nothing, however, but the strongest evidence of the inestimable advantages of another system would justify us in making any change. Although he did not consider our system a perfect one, nevertheless he had seen nothing better up to that moment. He was strengthened in this view of the matter by the representations he had received from his constituents. He, however, should not object to a mere inquiry into the causes of the collisions which had occurred. Those collisions had not certainly diminished, if they had not increased. Those collisions, and the great loss of life occasioned by them, formed, in his mind, a strong ground for inquiry. He did not see that much mischief would come out of such an inquiry. But as the Government, who were responsible for the administration of our maritime affairs, had seen fit to take another course, he should doubt the prudence of his hon. and gallant Friend in pressing his Motion to a division.

SIR JOHN HAY regretted he could not acquiesce in the view of his hon. Friend the Member for Liverpool (Mr. Graves). If the Government had expressed any intention to institute an inquiry he would have withdrawn his Motion; but as they had not done so, he must ask the opinion of the House upon it.

Question put, and *negatived*.

ORDNANCE SURVEY (ENGLAND).

RESOLUTION.

Mr. WREN-HOSKYNS, in rising to move the Resolution of which he had given Notice, hoped that the House would not be startled by a rather sudden transition from the marine topic they had been discussing, to one that related chiefly to the land. It was now 10 years since the last Committee on the Ordnance Survey, as it was still called, had presented their Report, and he would wish to call the attention of the House to the progress of the survey, and especially to its

present state in this part of the United Kingdom. Nearly a century had elapsed since the triangulation of the kingdom was commenced by General Roy—in 1784—which, after occupying upwards of 70 years in its accomplishment, was carried across the Channel in 1858 by Sir Henry James, and united with those of France and Belgium during the three following years. It was a splendid and costly national work, and one which had taxed to the utmost the patience and skill of the engineering service, and so perfect in result that it left nothing to be desired, except that it should be made the best and earliest use of. It seemed strange that those who had borne the chief burden of paying for it should hitherto have enjoyed the least share of its fruits. He need not tell the House that the chief expense had been incurred when the triangulation was completed—once done, it was done for good and all, and was equally available for every part of the kingdom. In order to obtain a map of any part of the country, any one or any series of these triangles could be filled up by a detailed survey, of mathematical accuracy, and upon any scale. What, however, had been the use made of it as regarded England? Would it be credited that the only map we had of this country, south of Lancashire and Yorkshire, was the old 1-inch map of which the first sheets were published in 1796!—a map which was full of errors of detail from the first, owing to an inexperienced and inefficient staff quite new to the work, which, had it been originally perfect, the mere efflux of time would have rendered obsolete. Its inaccuracies were described by Sir Henry James himself to the Committee of 1861, as “perfectly astounding in character.” The history of the matter was this. Just as the work had reached the northern counties, in 1825, a Government survey of Ireland became immediately necessary. Taught by the blunders and defects of the 1-inch scale map in England, the Government determined on a 6-inch scale for Ireland. It proceeded at first with appalling slowness, but ended in a genuine triumph—a map being produced which was admitted by the first judges of Europe, assembled at the Statistical Congress at Brussels in 1853, to be the finest piece of topographical art ever seen in any country. At this Congress the whole subject of national maps, or

Mr. Wren-Hoskyns

cadastres, formed a subject of active discussion; and the unanimous conclusion of the statisticians there assembled from each country—including Mr. Farr, who was appointed by the Registrar General to represent England—was in favour of a scale of 12-500th of a mile, commonly known in this country as the “25-inch scale,” to which it nearly corresponded. It was originally proposed by the great astronomer, Laplace, to Napoleon, and adopted in France in 1807, and had the advantage of giving, within a fraction, a square inch to the English acre. The Emperor recommended that it should be accompanied by a smaller map—*tableau d’assemblage*—which, singularly enough, nearly corresponded with the scale of our Irish survey. These two scales were accordingly used in proceeding with the long interrupted map of England, throughout the northern counties, and for Scotland; the original map of all the other English counties still remaining as backward as ever. In the last and in the present Session, he (Mr. Wren-Hoskyns) had put the question to the Government, when we might expect “justice to England” in this matter, first through his right hon. Friend the Secretary of State for War, in whose Department the survey then was, and again of the Chief Commissioner of Works, to whom it had since fallen. The answer he got was the same on each occasion in succession, that the survey would not be completed for 15 years. This reminded him of the experience of some travellers in Wales, who, in answer to each inquiry on the road, found they were further from their destination. But the question was really a serious one. The 6-inch map of Ireland, admirable as it was, had actually gone through revision in a less period than that; indeed, Sir Henry James had stated in his evidence that even the best maps required revision every 14 years. Yet our old 1-inch Ordnance map of the last century still remained, literally, a book of blunders, uncorrected; and, worse than that, a sort of “father of lies,” for all the numerous progeny of local maps that were copied were based upon it. He could not help asking—“What enemy hath done this?” It looked like a conspiracy of neglect. It could hardly be called a question of expense, for the sale of the maps repaid a large share of the expenses of publication, and the main

work and cost had been encountered when the triangulation was completed 90 years ago. It had been given in evidence that nearly £3,000,000 had been uselessly squandered upon partial maps for Tithe Commissions, Charity Commissions, Poor Law Commissions, Inclosure and Copyhold Commissions, all of which would have had one perfect and indisputable reference had the Government cadastral map been carried out in England. The Land Tenure Report, presented last Session but one, had shown every civilized country but ourselves possessed of a cadastral map to accompany the registries of title, define the boundaries, and simplify the conveyance of land. Sir Richard Griffiths' letter to the Royal Commission of 1858 had attested its value in Ireland as almost beyond description for all the purposes he described—for registration, for determining questions of conterminous property, settlement of disputes between landlord and tenant, and tenant and labourer, equitable adjustment of rating and taxation, drainage, sanitary matters, besides geological and hydrographical inquiries, and road and railroad engineering, for the elective franchise, and the Landed Estates Court. Yet here we were at the end of nearly 80 years from the commencement of the work, with 27 English counties and the whole of Wales without any reliable survey, and with the prospect of half a generation to wait before we were to be on a footing with Ireland and Scotland in this matter. Even the Isle of Man had got its cadastral map, and could laugh at Wales and England; while in the last meagre Blue-book of the annual "progress"—as it is humourously called—of the cadastral survey we find, in place of half-a-dozen English counties, that—

"Jerusalem and Mount Sinai are completed, and the map of our Army's route in Abyssinia, as far as Magdala, well advanced."

It was stated by Sir Henry James, 11 years ago, that the survey could be completed at a cheaper rate, and in a shorter time, according to the amount of the sum voted—

"If the annual vote was £150,000, it could be finished in 12 years for £1,800,000; if the vote was only £90,000 a-year, it would take 21 years and cost £90,000 more."

The latter was accepted by the penny wisdom of an English Parliament; and half the longest period had elapsed to

find us still 15 years from the end. Unfortunately, the forms of the House would preclude the Resolution which it had been his intention to move, but which he hoped had been sufficiently indicated to the House. The hon. Gentleman concluded by moving his Resolution.

Motion made, and Question proposed,

"That Her Majesty's Government be urged, in view of the promised Bill for the Transfer of Land, to give their earliest attention to the completion of the Cadastral Map of England."—*(Mr. Wren Hoskyns.)*

MR. AYRTON said, the hon. Member had by his speech no doubt explained enough to the House to satisfy them that this was a subject that could not be disposed of easily or summarily. It was one that had engaged the attention of Parliament at various intervals during a period of 88 years, and which had entailed upon the country an expense up to this time of £3,255,000, and that in the result they had only just arrived at one complete 1-inch map of the United Kingdom. During that interval Parliament had again and again discussed how the survey should be carried on. The first system adopted was condemned on account of its imperfections, it having produced maps on which reliance could no longer be placed. No doubt considerable improvements had since taken place, and we could now compete in that respect with any other country. The result of those intermittent, and he might say those fitful discussions of this question, had been to lead to the adoption of three scales of maps—namely, the 1-2500th—commonly called the 25-inch—the 6-inch, and the 1-inch. The intention was to complete the highly populated parts of the country on the 25-inch scale, and the other parts in which hills and heaths abounded on the 6-inch scale. The hon. Gentleman regretted that the survey did not proceed more rapidly. According to the Return for 1870 there was a staff of 1,800 persons, including the military, engaged upon it. There was a great difficulty, even if it were desirable, in suddenly increasing very largely an establishment of that kind, every man of which worked in relation to every other, and must have special knowledge and training. It could only, therefore, be increased, if at all, gradually and by adding a certain number of men every year.

MR. WREN-HOSKYNS observed that Sir Henry James stated that he could finish a map in 12 years for one sum, which he mentioned, and another in 21 years for a different sum, and that the latter was preferred.

MR. AYRTON: No doubt Sir Henry James, if he had been allowed 10 years ago to organize a larger staff, might have been able to proceed with the work more rapidly. But reference was now made to the existing staff, and to the difficulty connected with an increased rapidity of the present survey. It was also necessary to consider the annual expense of the survey, to which there was necessarily a limit. Having regard to the demands that were made for the maintenance of the Army, the Navy, and every other branch of the public service, unless the taxation of the country were indefinitely extended, a certain sum must be allocated for this particular purpose; and the Government were of opinion that £100,000 a-year was sufficient to set apart for the prosecution of the Ordnance Survey. He confessed his inability to follow the argument of his hon. Friend when he contended that a rapid survey might be secured for a small additional outlay.

MR. WREN-HOSKYNS explained that Sir Henry James could complete the map in 12 years for £90,000 less than the cost of the map for 21 years.

MR. AYRTON: That sum did not go far in an expenditure of £2,000,000. It was purely an arithmetical question. For example, with an additional outlay of £12,000 a-year you would gain, in proportion, about a year, or little less, in the completion of the survey. The expenditure of £100,000 a-year had been the limit sanctioned by successive Governments. They had to spend about £1,300,000 more on the survey, which, at the rate of £100,000 per annum, it would take 13 years to complete. Again, there would be a danger in employing an enormous staff on such a work with the prospect of their being speedily discharged, because in that case the men would feel very little interest in their work, and the efficiency of the establishment, now so universally recognized, might be impaired. He could not, therefore, hold out the hope of any great diminution of the time required to finish the survey. All things considered, there was no great cause for dissatisfaction

with the progress made. The Government were much interested in the prosecution of the undertaking, because it was most desirable for many public purposes to have an accurate map of the country on a large scale. Again, if too long an interval elapsed between the commencement and the conclusion of the survey, the constant changes occurring in reference to land would render the earlier maps comparatively valueless. They could not have an accurate map of the whole country unless they employed some standing body to revise and rectify it according to the changes occurring from year to year. The establishment in Ireland for that purpose, and the revision of the valuation, cost £25,000 per annum; the corresponding charge in the case of England must necessarily be very large indeed, and statutory powers would also be required for the purpose. Before embarking in such an expensive enterprise the matter would demand very grave investigation. With regard to the facility for transferring land, his hon. Friend thought that would be afforded by a 25-inch scale map of the whole country. He now held in his hand one of the books of reference for a single parish, that he had taken at random. The parish, he found, contained 12,459 acres; there were in it no fewer than 2,299 separate plots marked, with the quantities scheduled. There was the basis of every single plot of land, with its area; but not the least information was afforded as to how those plots were brought together in separate holdings, or as to who were the owners. Without such information as that, he could not understand how the land survey might be made the basis of any improved system of land transfer. Having heard the various arguments brought forward in the House for giving facility in the transfer of land, he had come to the conclusion that hon. Gentlemen were on the wrong scent altogether when they confined themselves to the mere machinery connected with the transfer; for the real difficulty was that which arose from the state of the law. As long as they had a law which allowed all kinds of interests to be created—present and prospective—which separated the freehold title from the possession, the possession from the right to the possession, and which gave rise to all kinds of difficulties affecting occupation, so long would the

man coming into possession of property with such complications attached to it be at a loss to know what it was he really possessed. If the completion of the survey would facilitate transfer, this was an additional reason for expediting the work; but he feared that it must, under present circumstances, take some years, and could not be materially accelerated without risk of diminishing the accuracy and value of the maps. He hoped that, considering the promise of the Government to deal with the question of transfer as soon as they could, and their consequent interest in accelerating the survey, his hon. Friend would be satisfied with having called attention to the matter, and would not ask the House to adopt the Resolution.

MR. GREGORY regretted that, after the time and money which had been devoted to the survey and the little result at present to be shown for it, the right hon. Gentleman had not given a more satisfactory assurance. It was hardly creditable that this country should not have as complete a survey as continental countries had. If any further outlay or any augmentation of the staff was requisite, the expense would be to some extent recouped by the sale of the maps. Before becoming a Member of the House he had some experience in preparing Private Bills, and never had any difficulty, even in winter, in obtaining the requisite plans and sections of important projects. This question had some bearing on the transfer of land, but this was scarcely a proper occasion for the remarks of the right hon. Gentleman on that matter. In spite of our complicated system of conveyancing, there was always plenty of land in the market, but the investigation of title and the absence of good maps certainly added to the expense of transfer. He hoped to receive the support of hon. Gentlemen opposite to a Bill which he had introduced on the subject.

MR. W. FOWLER said, he was not satisfied with the right hon. Gentleman's statement that the survey would occupy 13 years longer, and that the portion first commenced might then have to be begun over again. It would surely be more economical to expedite the work, so that it would not so soon become useless. As to the difficulty of finding the requisite staff, this was a question of money, for plenty of talent existed in

the country if a demand was made for it. A thoroughly good map was essential to greater facilities of transfer; and, on the Continent, where conveyancing was much easier and less expensive, such maps existed. They could not expect to have an easy transfer of land while they had the existing complications in connection with the title of land. The Commission of 1857 said that but for prejudice there was no reason why the transfer of land should not be as simple as the transfer of stock or ships. Fifteen years had elapsed and they were now no nearer a solution of this question than ever. In transferring personal estate they transferred the *corpus*, leaving the trust outside. The Bank of England, for example, would not go into the question of trusts, the only question with them being, who was upon the register. But in the case of land, speaking generally, all these elaborate trusts were affixed to the title, so that unless all the persons interested were settled with, the land could not be transferred. As long as this system existed the difficulties and expense attending the transfer of land would continue. They must either forbid the creation of these complicated interests—a measure for which the House did not seem prepared—or they must divorce the equitable from the legal interest in land so that the *corpus* might be transferred perfectly, and the equitable interests made to depend not upon the land, but upon the personal integrity of the trustee. In some way or other, in every European country the transfer of land was easy and inexpensive. It was strange that this country should be a remarkable exception, and all the stranger because most of the Members of this, and all the Members of the other House, were deeply interested in the question. There must be a thorough measure of reform, and for that purpose there must be a thorough map. Much could not be said for a survey which had been 80 years in progress, and had cost £3,000,000, having little to show for it. It ought to be got out of hand at once, for it was a matter of vital interest to poor as well as rich. He had lately cited a case in which a comparatively poor man bought a small piece of land for £20, and the legal expenses were £10. No blame attached to the lawyers employed, who were men of the highest respectability, and did

not charge a fraction more than was necessary. Such a state of things was intolerable. The transfer of stock cost nothing; but a man of moderate means was practically precluded from investing in land, because he really did not know what the transfer would cost him, and, moreover, did not know after all whether he should have a good title.

Mr. BERESFORD HOPE said, he would not enter into the question incidentally raised of the transfer of land, because it was undesirable to commence an incidental conversation on an intricate question arising out of a matter which was not before the House. It was impossible for anyone in speaking off-hand on so large a topic not to commit himself to more or less than he desired to express. With a regard for the scientific as well as the legal and social well-being of the country, he must join with those who urged the Government to push on this work of the national survey with less consideration for mere economy and more zeal for the general convenience of the people. At the same time, he could not press the Motion with any expectation of seeing the undertaking finished, for he saw no end to the work, which was no sooner done than it must be begun again. Every new street, every new house, every squire who dug a new pond and threw down a hedgerow falsified the Ordnance map. On this ground, and in order that the initiatory standard might be reached, the work should be pushed on, while the question of staff ought not to stand in the way. By the introduction of the competitive system, with its contingent of failures, a large class of proportionably educated, but unemployed, and therefore discontented people had been created; and in the Ordnance survey means of honourable employment might easily be found for persons of this class of sufficient education and good character. There was no fear that the map would not be a marketable commodity. According to the report recently presented from Sir Henry James, his department was remunerative, both in its English maps and its reproductions of historical documents, and in surveys such as those of the Holy Land; and if the 25-inch scale were carried all over the country, the prime cost of so noble a map would, he was satisfied, be more than met by the demand. It was not creditable to us if

Mr. W. Fowler

in a realm of such small area they did not provide the means of carrying on a survey on a uniform scale all over the country. When the map had been completed, and a Government organization established for altering it as it became requisite, he would recommend that it should be made by Act of Parliament a legal document of primary necessity. If to every deed or will dealing with an appreciable area of country the corresponding sheets of the Ordnance map were attached, with such manuscript additions or alterations as were needed to make the documents self-explanatory, legal and scientific proceedings would be greatly simplified. There was one other point to which he wished to refer. There were, no doubt, difficulties in the introduction of estate boundaries; but he did not understand why the name of the owner of every distinctive piece of land having an appreciable boundary should not be engraved upon the map; and he was convinced that such an addition would naturally add to the practical value of the survey.

Mr. WREN - HOSKYNs observed that after the discussion which had taken place he should not divide the House, feeling confident that the Government would give the question their best consideration.

Motion, by leave, *withdrawn*.

MUNICIPAL CORPORATIONS (ELECTION OF ALDERMEN).

RESOLUTION.

Mr. HEYGATE rose to call the attention of the House to the partial and unsatisfactory operation of the Municipal Corporations Reform Act in the Election of Aldermen, and to move a Resolution. The hon. Gentleman said, that the subject with which he had to deal was admitted by all reasonable persons to be a grievance. By the Corporations Reform Acts of 1833 and 1834 it was provided that, in addition to the councilmen to be elected for the wards, a certain number of aldermen were also to be chosen. But instead of intrusting the election of aldermen to the burgesses of the wards, the Act of Parliament relating to the subject gave it entirely to the councillors voting together. Every member of the Council was competent to vote for any number of persons not ex-

ceeding the number of aldermen to be elected. The result was that a bare majority of the councillors in every borough could elect the whole body of aldermen, the latter being one-third of the number of councillors. The consequence was that, unless the councilmen chose to give to the minority some sort of representation, they could unfairly exclude them from all share in the upper ranks of municipal honours. By that means a large number of gentlemen who from their position in society and the taxes which they paid were best entitled to take part in the municipal affairs of the country were altogether excluded from the management of local concerns. The object of the original division of boroughs into wards was to do that which in the election of aldermen had signally failed—namely, to give a fair representation to all the different sections of the community, and if that had been done no complaint would have been made. It was not enacted that aldermen should be distinctly assigned to certain wards; but that was done as a matter of custom, and aldermen were generally understood to represent the wards to which they had been assigned. He was far from imputing to any corporation, though some might of late years have been extravagant, any charge of general mismanagement; but what he did say was this—that there were corporations which gave all their municipal honours as a reward solely for political opinion. The Municipal Corporations Reform Act, while removing many abuses, had failed to effect an alteration in that respect. In discussing this question in 1835, Lord Melbourne cited from the Report of the Corporation Commissioners the following passage:—

“Now let us look at the Corporation of Leicester. . . . From the Mayor to the humblest servant of the Corporation, every office has been filled by persons of the Corporation, or so-called Tory party, to the total exclusion of all who entertained different opinions, however wealthy, however intelligent, however respectable. Now, let me ask your Lordships, what do you think of the working of such a system as this?”—[3 *Hansard*, xxix. 1347.]

He regretted to say that the government of towns where the balance of parties was all on one side was still carried on with all the political exclusiveness described by Lord Melbourne. To his knowledge, very great objection had been raised to this political exclusiveness, especially in a town which he had in his

mind; but, unfortunately, the protests that had been made had been unavailing. He did not think the community would have gained all that they had a right to expect from the passing of the Municipal Corporations Reform Act unless a more satisfactory mode of conducting the election of aldermen was provided. It was said that the minority must bow to the majority, and he would not dispute the principle. In that House of about 650 Members, supposing there were 450 on one side and 200 on the other, the majority must rule; but the House would not so readily respect the decisions of the majority if the same mode were adopted in the House as was prevalent under the present constitutions of the municipal corporations in England and Wales. He only asked that the aldermen should represent their boroughs as fairly as the councillors did, and that both political parties should be proportionately represented by aldermen chosen from among men of property and influence. It was not difficult to find a remedy for this unjust state of things; and, indeed, as long as it was put a stop to he was indifferent as to the precise mode that was adopted to get rid of it. There were three remedies which suggested themselves to his mind for the grievance of which he complained. They might either commit the election of aldermen to the burgesses themselves or the different wards, so that every district should be fairly represented by its alderman and by its councillor. That was the first and simplest proposition, and in that way the London aldermen were elected. Or they might commit the election of the alderman of each ward to the councillors of each ward, and in all boroughs of any size that would be an easy mode of election. Or the election might be conducted on the cumulative system of voting, which was coming greatly into fashion. He hoped his right hon. Friend the Secretary of State for the Home Department would be able to give the House some satisfactory assurance on the subject. The hon. Member concluded by moving his Resolution.

Motion made, and Question proposed,

“That, in the opinion of this House, the present mode of electing Aldermen in Municipal Boroughs by the vote of the Town Council is unsatisfactory, and fails to secure a fair representation in each Borough on the Aldermanic Bench.”—(*Mr. Heygate.*)

MR. WHEELHOUSE regretted that a question of so much importance did not excite more interest in the House, for it was a question of no mean importance to the good government of the country, and it was desirable that the greatest amount of local interest within the boroughs should be brought to bear on local matters. The fact of a man being a Whig or a Tory, a Radical or a Conservative, could not be a reason why he should be best able to supervise the minute arrangements of a borough. Lord Ellenborough, in a speech upon this subject, had spoken of the professed object of dividing boroughs into wards to be to give to all classes of the community a fair chance of being equally represented. If that had been the object of the Act, it had lamentably failed. What had invariably happened under the present law was that a majority of town councillors were but too often elected on political principles only, and then the majority of town councillors, aided by such aldermen as did not then go out of office, elected aldermen exclusively from one political party, and so the opinions of the burgesses were neutralized. The fact was that the burgesses should elect the aldermen; but the objection to that was that it would destroy the double character of the corporation corresponding to that of Parliament. The second suggestion was that the councillors of each ward should elect their own aldermen; but the manifest objection to that was that the aldermen so elected would merely increase the political strength of the councillors electing them; and nothing could more completely defeat the intentions of those who framed the Municipal Corporations Act. The third suggestion was that aldermen should be elected by the cumulative votes of the burgesses; hitherto, cumulative voting had been eminently successful wherever it had been tried; and the probability was that in this case it would result in the election of the best men. Nothing could be worse than the present system, under which it would take six years to correct a mistake, and in that time irreparable injury might be done by a self-willed majority. In Leeds, as in many other boroughs, the aldermen and the mayors had been elected exclusively from the predominant political party; and the consequence was, that while some of the

best townsmen had been excluded from office on account of their politics, the position of aldermen had been held by men on whom it never ought to have been conferred. There was another question—how far political partizanship regulated the giving of offices. It was perfectly possible that might not have been intended; but he should like a Return to be made showing how certain persons had been elected to certain offices; what was their qualifications for that office; and how far they had always voted for the political party in power. He knew aldermen who had become rate collectors; and, in fact, the offices of alderman and town councillor had become a sort of harbour of refuge for people of a certain political phase or class, and offices were, in far too many instances, conferred upon such people as political partizans only. He was, therefore, very much obliged to his hon. Friend for bringing this subject before the House. What he said the other night with reference to the borough of which he spoke applied with ten-fold force to a municipality so large as that of Leeds. In almost every municipality in the North of England the corporations were supposed to be Liberal, as it was called. Why? Not always because the people so desired it. So far as town councils were concerned, the elections fairly represented both sides; but in the corporation the minority was not merely swamped, but the minority was turned into a majority by the mere action of the aldermanic votes. Six years was too long a time to allow that state of things to exist without change. He, therefore, seconded the Motion.

MR. BRUCE said, he hoped the very dismal picture they had just heard of the working of municipal institutions was to some extent due to the personal experience and misfortunes of his hon. Friend, and that all was not quite so bad as he had represented. At all events, it was remarkable that this grievance had been so long pent up; for, so far as he recollected, with the exception of a slight discussion the other night, this was the first time they had heard of it. Ever since he had been in office he had continually received applications from various boroughs throughout the country to bring in a Bill to deal with the question of re-division of wards, on the ground that the balance

of wealth and population had altered. What was the grievance of the case before us? The election of aldermen by a majority of the Common Council. A very great portion of legislation had been directed to extend the powers of corporations, and it would be a grievous thing if the most important members of those bodies were to be elected without reference to their fitness for their respective offices, but merely on account of their political opinions. It was undoubtedly the fact that in a great many cases there were aldermen representing both sides of political opinion, and he was constantly receiving evidence of the efficiency, vigour, and zeal with which the affairs of various municipalities were conducted. One of the remedies suggested by the hon. Member for the evil of which he complained was, that the selection of aldermen should be direct by the burgesses themselves, and much might be said in favour of that proposition; but it was, no doubt, the object of the framers of the Act, in leaving the selection to a body of men already themselves elected by the ratepayers, to bring into the municipal government men of influence who would not expose themselves to the risk, annoyance, and expense of a popular election. Another alternative which had been suggested was that the Common Councilmen of each ward should elect the aldermen for that ward. He thought it would be very difficult to carry out any such arrangement. The third proposal was that the system of cumulative voting should be allowed in these elections. No doubt a great deal could be said in favour of that proposition; but it might be objected to it that it was founded on the recognition of the fact that politics played a principal part in the election of the aldermen of corporations, and upon the consequent desire of the hon. Member to obtain a fair representation of political opinion. Now, he did not think that politics ought to enter into the view of Parliament in dealing with this question. What was wanted was, not to secure the ascendancy or proper representation of this or that political party in the borough, but to obtain the best possible representation of the intelligence and public spirit of the locality. The present system had been in force for 40 years, and Parliament ought scarcely to be called upon to condemn it

as a failure on almost the first occasion that its attention had been directed to the question. He would suggest to the hon. Member that, instead of pressing the present Resolution, he would adopt a better mode of testing the opinion of the House on the subject by bringing in a Bill, and thereby submitting the matter to the House in a definite shape.

MR. M. CHAMBERS said, that on looking over the Notice Paper he found on it Notices of Resolution which ought never to have been brought before the House. He agreed with the right hon. Gentleman that when an hon. Member disapproved of an Act or any part of an Act, the proper course for him to pursue would be to introduce a Bill for its repeal, instead of wasting the time of the House by the discussion of abstract Resolutions. He would not discuss the question whether the Municipal Corporations Act had worked well or ill; but he objected to the horrible, the terrible waste of time which was caused by the discussion of Resolutions like that now before the House.

MR. HEYGATE said, he did not think the time of the House had been wasted in discussing the subject which he had brought forward. Having succeeded in obtaining a discussion on an admitted grievance, he was satisfied, and would now, with the leave of the House, withdraw his Motion.

Motion, by leave, *withdrawn*.

IRELAND—LORD LIEUTENANCY OF CLARE.—RESOLUTION.

SIR COLMAN O'LOGHLEN said, he rose with deep regret to move the Notice which stood in his name. The Notice was in the following terms:—

“To call attention to the appointment of Colonel the Hon. Charles White to the Lord Lieutenancy of the county of Clare; and to move, That this House has heard with great regret that a gentleman has been appointed Lord Lieutenant of Clare who has never resided in that county, who is a stranger to its Magistrates, and who does not possess that local knowledge of the county and its residents essential to the proper discharge of the important duties of a Lieutenant of a County, and that this House is of opinion that such an appointment is of evil example, and ought not to have been made.”

Under any circumstances, it was a most disagreeable duty for any Member of Parliament to have to bring forward a Motion in condemnation of an appointment made by the Execu-

tive Government; but on the present occasion this duty was particularly disagreeable to him, because the gentleman named in the Motion was a personal Friend of his own, and the Government whose act he challenged was one under which he had served, and which still retained the confidence of the party to which it was his pride to belong. But there were occasions on which personal feeling and party allegiance must give way to a sense of duty, and he was satisfied that the great majority of the House—no matter into what lobby they would go when the division bell rang—would be of opinion, when the debate was over, that he could have adopted no other course than the one he was now pursuing, when all private remonstrance had failed to prevent the making of the appointment of which he now complained. For his hon. and gallant Friend (Colonel White) he entertained the highest esteem. During the time he had been a Member of that House he had shown that he possessed abilities of no ordinary nature, and if ability was the sole qualification, there could be no objection to his appointment to the Lieutenancy of Clare. It was not on personal grounds that he objected to his hon. and gallant Friend's appointment. He objected to it on the ground that he was not qualified to be appointed to that high office, and that his appointment could not be justified by custom or usage. The office of Lord Lieutenant of a county was an office, as the House was aware, of a very important character. The Lieutenant of a county had practically the appointment of the magistrates of the county, for though legally the Lord Chancellor appointed them, he acted only on the recommendation of the Lieutenant. He had also the selection of Deputy Lieutenants from the magistracy whenever vacancies occurred, and though his duties with respect to the Militia were last year very much curtailed, he had still the nomination to first commissions of gentlemen who entered that force. The office was one of so much patronage and social rank that it was naturally an object of honourable ambition, and when a vacancy occurred it was the duty of the Executive to select a fit person for it. Now, what ought to be the qualifications which a Government anxious to discharge its duty should have in view

Sir Colman O'Loghlen

in selecting a Lieutenant of a county? He must, of course, be a man of character and integrity; and he thought it would also be generally agreed that he should be a man of property in the county, and a man of position in the county—and of such position, that the appointment, if it did not satisfy every one, should at least commend itself to the general good sense of the county. He should also be acquainted with the resident gentry, for he would otherwise, when applications were made to him for the appointment of magistrates or Deputy Lieutenants, be obliged to lean on the opinions of others, instead of acting on his own judgment. If possible, moreover, he ought to be a resident in the county, for a resident Lord Lieutenant could exercise a great influence. He could soften a good deal of that asperity which naturally arose in the course of party contests, and by exercising a liberal hospitality he might bring together people who would not, perhaps, meet except at the neutral board of the County Lieutenant. He would now inquire whether his hon. and gallant Friend possessed those qualifications? On the 22nd of April Lord Inchiquin, who had for many years with honour to himself and advantage to the country, discharged the duties of Lord Lieutenant of the county of Clare, died, and much speculation naturally ensued as to who would be his successor. Many names were mentioned and their various claims canvassed; but he could assure the House that among those names his hon. and gallant Friend was never mentioned. In the county of Clare he was only known as a younger son of Lord Annaly—as an officer in the Guards, living in London, and attending at London or Windsor, or wherever his regiment was stationed, and Member for Tipperary. When, after a time, the rumour began to circulate that he was to be appointed, it was treated as a joke, more particularly because at the same time it was also rumoured that the Vice Lieutenancy was to be conferred on a gentleman well known in Ireland and also in that House, and a particular friend of the hon. Member for Shaftesbury (Mr. Glyn). ["Name!"] He referred to Mr. William Lane Joynt. When subsequently it became known that the rumour was no joke, and that his hon. and gallant Friend was to be recommended to the Queen for the Lord Lieutenancy

of Clare, although he did not possess a single acre of land in the county, had never resided there, and was a total stranger in it, the news not only created a sensation, but also a feeling of deep indignation, and it was considered that the appointment was an insult to the county and to its resident gentry. Upon the assembly of Parliament, after the Recess, his hon. Friend the Member for Kerry (Mr. H. A. Herbert) asked a Question of the Prime Minister, and he must say that a more extraordinary answer was never returned. At present he would only refer to one part of it—namely, that in which the right hon. Gentleman stated, in reply to the hon. Member for Kerry, that there was no legal qualification necessary for a Lord Lieutenant of a county in Ireland. Now, that might, perhaps, be strictly the case in point of law; but he should be able to show that a qualification was contemplated by the Legislature when it passed an Act establishing Lieutenancies in Ireland, and that pledges were given to both Houses by the Government of the day that that qualification should be for ever maintained. In England the Lieutenancy was a common law office, which had existed from the reign of Mary, and Hallam stated in his *Constitutional History* that it had generally since that time been filled by a Peer or gentleman of large estate in the county. In Ireland, however, up to 1831, no such office existed. Up to that time there was a *Custos Rotulorum* in each county in Ireland, who partly discharged the duties now devolving on the Lord Lieutenant of recommending magistrates, while there was one, two, or three Governors, according to the size of a county, who discharged the duties with regard to the Militia. It was thought by the Government of Earl Grey, in 1831, that this system of county government in Ireland was a bad one, and that the English system should supersede it. A Bill was accordingly introduced by the Government in that year and was passed into law (1 & 2 *Will.* IV. c. 17); and the 17th section of that Act showed, he thought, what the intention of Parliament was as to who should be a Lieutenant of a county. That section provided that whenever any Lieutenant of a county should be absent from Ireland, or in any case of sickness or other disability should be unable to

act, it might be lawful for the Lord Lieutenant of Ireland by warrant to appoint a Vice Lieutenant during his absence or disability, and on return of the Lieutenant to Ireland he was to notify the fact, and thereupon the Lord Lieutenant would revoke the appointment of the Vice Lieutenant. This, he thought, was a declaration by the Legislature that nobody should be appointed a Lieutenant of a county in Ireland who was not a resident in Ireland. The intention of the Government and of the Legislature of that day was more clear when tested by the declarations made in debate. On July 4, 1831, Lord Melbourne, who had introduced this Bill into the House of Lords, in moving the second reading, said its object was to establish in each county in Ireland an officer through whom there would be a settled communication between the Irish Government and the magistracy of the county—a responsible person of known property, local knowledge, and integrity, who—among other duties—would inform the Government as to the qualifications of persons to be appointed to the Commission of the Peace.—[3 *Hansard*, iv. 644.] Again, the Duke of Wellington, on the second reading, said—

“He would particularly direct the notice of Government to one point as most essential, which was, that the persons intrusted with this power should be resident generally in Ireland. So important did he consider this that he would like an Amendment to be introduced into the first clause of the Bill requiring that no person exercising the power of recommending magistrates should quit the country without the permission of the Lord Lieutenant; and, when such permission was given, such person should not leave Ireland until he had appointed a deputy (subject to the approval of the Lord Lieutenant) to act for him in his absence.”—[3 *Hansard*, iv. 949.]

Earl Grey said on the same occasion—

“With respect to the qualifications of those persons, no doubt they should be of high character and rank, and above all, as suggested by the noble Duke, residents in the country. He had considered whether it would be possible to introduce into this Bill any limitation or provision to compel the Lords Lieutenant to reside in the country during the period of their appointment; but there was great difficulty on that point. In the first appointments, undoubtedly, residence would be an indispensable qualification, and he trusted the same qualification would be required under whatever Government the country would be placed. . . . The clause proposed by the noble Duke might be effectual, but it would place an extraordinary power in the hands of the Lord Lieutenant of Ireland, which might at some time be tyrannically

exercised. He trusted that residence would be enforced, if not by a provision of the Bill, at least by whatever executive power might be in existence when the appointment was made.”—[*Ibid.* 951.]

On the Report a clause was brought up by Lord Melbourne—the clause he had read—carrying out, as far as the Government thought they could safely do so, the suggestions of the Duke of Wellington. The Secretary for Ireland at that time, who had charge of the Bill in this House, was Lord Stanley, who said—

“This Bill would, he was convinced, tend greatly to promote the residence of the nobility and gentry in Ireland. Every Lord Lieutenant of a county when he left Ireland would be obliged to appoint a Vice Lieutenant, who, during the absence of the Lord Lieutenant, would execute the whole of the patronage. This would be a direct encouragement to the Lord Lieutenant to reside in Ireland.”

In the following year, when a Motion was made complaining of one of these appointments, Lord Stanley again said—

“The object of the Government in bringing in this Bill had been to appoint persons residing in or contiguous to the county over which they would preside, who by their influence in the particular district, and by their residence, would be better able to attend to the interest of Ireland.”

These passages, he thought, bore out his construction of the Act—that if a local qualification was not prescribed in the words of the Act, yet the intention of the Legislature was that no person should be appointed Lieutenant who had not at the time a *bona fide* residence in Ireland. He challenged the Government to prove that his hon. and gallant Friend had such a residence. If so, where was it? Where was he rated? Where were his servants? Where did he pay his income tax? On this ground alone the appointment should not have been made. Then what had been the custom since the passing of the Act of 1831? Out of 32 persons first appointed under the Act only six did not reside in the county in which they were made Lieutenants, and not one was without a residence in Ireland. From that time, as far as he was aware, every Lieutenant of a county had been a resident in Ireland, and nearly all had been residents in the county in which they acted. He did not say that residence in the county was indispensable; but he should cite some very high authorities to show that it was highly desirable. At the time when the present Secretary for

Sir Colman O’Loghlen

War (Mr. Cardwell) was Chief Secretary, and the Earl of Carlisle Lord Lieutenant of Ireland, a question arose in reference to the Lieutenancy of Londonderry; and in a debate which was originated by the Earl of Belmore in the House of Lords, Lord Carlisle said—

“I hold, moreover, the primary qualification for the office of Lord Lieutenant to be that of residing in the county; and it is well known that the noble Marquess referred to (the Marquess of Waterford) not only never resides in Londonderry, but resides in the county of Ireland that is most remote from Londonderry.”—[3 *Hansard*, clviii. 1644.]

Then, defending the appointment of Mr. Lyle to the office, he said—

“Mr. Lyle has been for 15 years a Deputy Lieutenant of the county of which he is now made Lieutenant. He has regularly attended the noble juries, and he is intimately acquainted with the business, and with the gentry, and with the best interests of the county in which he resided.”

Though he (Sir Colman O’Loghlen) did not go so far as to say that the law required residence in the county to which a Lieutenant was appointed, he did contend that such residence was most desirable. The first ground on which he impugned the appointment of his hon. and gallant Friend was that at the time of his appointment he had no residence in Ireland at all. His next ground of objection related to the possession of property in the county. No one denied that the possession of property in the county to which a gentleman was appointed Lord Lieutenant ought to be a necessary qualification for holding that office. But at the time the Prime Minister recommended his hon. and gallant Friend for the appointment of Lord Lieutenant of Clare the hon. and gallant Gentleman did not hold a single acre of and there. He might say, in passing, that the Act directed that the appointment of Lieutenants of counties in Ireland should be made by the Lord Lieutenant of Ireland, but the First Minister seemed to have taken the present one upon himself, and at the time he was appointed his hon. and gallant Friend was not the owner of a single acre in the county to which he was appointed. The First Minister stated this fact expressly in answering the hon. Member for Kerry—

“I hope,” said the right hon. Gentleman, “I shall be able to answer my hon. Friend in a manner which will give some satisfaction to him. . . . It is true that I have recommended to Her Majesty’s Government for the Lieutenancy of the

county of Clare my hon. and gallant Friend the Member for Tipperary (Colonel White)."

The House would recollect this answer was given on the 23rd of April. The right hon. Gentleman proceeded—

"Whether he is a Justice of the Peace or a Grand Juror of the county I am unable to say, because I have had no opportunity since the Notice of the Question was given of speaking to my hon. and gallant Friend on the subject; but I quite agree with my hon. Friend in what I take to be the substance of his Question—namely, that although there were not any legal conditions, yet there were attached to the office substantial conditions which it was most desirable to secure, and, moreover, that next to the qualifications of character and competent ability are the qualifications of property and residence. . . . My hon. Friend is aware that, although the hon. and gallant Member for Tipperary has not been down to the present time a landed proprietor in the county of Clare, his father, Lord Annaly, has hitherto been possessed of large estates in the county. Lord Annaly has determined to transfer forthwith to his son the absolute possession of those estates. That intention—and I hope it will not be thought a colourable qualification—having been announced to us spontaneously by Lord Annaly as a family arrangement, there still remains the question of residence. But we have also received an intimation that it is his (Colonel White's) intention to reside upon the estate. I believe there is a residence for all purposes that are necessary, and consequently we do not hold it would be necessary to inquire as to qualification, and into the amount of accommodation which the present residence affords, or whether my hon. and gallant Friend intends putting additions to it. I am not able to say whether the transfer of these estates in point of law has been absolutely completed; but substantially, both as to residence and property, my hon. Friend may consider the transfer as entirely and finally made."

Now, he ventured to say that this was one of the most extraordinary statements ever made by a Minister in this House. The right hon. Gentleman submitted to Her Majesty for the appointment the name of a gentleman who, he admitted, was not qualified by property to act as a Lieutenant of Clare. It was true a promise was made that he should be qualified; but he would ask what right had a Minister of the Crown to put the Lieutenancy of a county into a family settlement. It was most extraordinary that the Queen's Sign Manual should be put to a document in order that a family arrangement might be carried out for transferring estates from a father to a son. As he had said, the first question which he would submit was this, had his hon. and gallant Friend a residence in Ireland? He had not, and he challenged the right hon. Gentleman to prove that

he had now or at the time of his appointment. In the second place, he submitted that his hon. and gallant Friend was not qualified, because at the time of his appointment he did not possess any property in Ireland. But assuming that residence in Ireland was not necessary; that actual property in Ireland was not necessary; and that a promise of property to be acquired was sufficient, he came to this question—which he considered a vital one—had his hon. and gallant Friend that position in the county at the time of the appointment which entitled him to be made a Lieutenant of Clare, and which would commend that appointment to the good sense of the county? What was the position of his hon. and gallant Friend in the county of Clare? There was no doubt that Lord Annaly did possess or had possessed considerable property in Clare; but it was not ancestral property. The noble Lord possessed ancestral property in the counties of Dublin and Longford, and he believed in other counties in Ireland, but none in Clare. His sole connection with that county was that 22 or 23 years ago Lord Annaly purchased property in Clare which had belonged to the Duke of Buckingham, and he had increased it by other property since acquired. But Lord Annaly never lived in the county nor any of his family. In 1859 there was a General Election, and Colonel Luke White came forward as a candidate for the county of Clare, not to defeat a political opponent, not to recover the county for the Liberal party, but to oust the Liberal Member for the county, Mr. Macnamara Calcott. The White family were new to the county, but Colonel Luke White was declared the sitting Member. A Petition was presented by Mr. Macnamara Calcott against his return. It was heard by a Committee, of which the present Lord Derby was Chairman, and the hon. Member for Berks (Mr. Walter) and the hon. Member for North Hants (Mr. Sclater-Booth) were Members, and the decision of the Committee was that Colonel Luke White was not duly elected, and that the election was void; and Colonel Luke White was disqualified for standing for the county on the ground that he had, by his agents, been guilty of bribery and treating. Mr. Macnamara Calcott started again for the county,

and was opposed by the hon. and gallant Member for Tipperary. In the contest that ensued his hon. and gallant Friend was beaten by a majority of 2 to 1. Not satisfied, however, with his defeat, his hon. and gallant Friend petitioned the House against the return of Mr. Macnamara Calcott, but the Committee decided that Gentleman to be duly elected. From that day to this he ventured to say his hon. and gallant Friend had never been inside the bounds of the county. Such was the connection of the White family and of his hon. and gallant Friend with the county of Clare. The hon. Member for Kerry (Mr. H. A. Herbert) had asked whether his hon. and gallant Friend was a magistrate for the county. One reason for asking that question was that being a magistrate was considered to be the qualification in England for the office of *Custos Rotulorum*, which office was now united in Ireland with the Lieutenancy of the county. *Blackstone* stated that the *Custos Rotulorum* was always selected from among the justices of quorum, and was appointed on the grounds of his high character and acquaintance with the county business. But his hon. and gallant Friend was never a Justice of Peace of the county of Clare, or a Grand Juror—he never was a Poor Law Guardian, or even the governor of a lunatic asylum. In a social point of view his hon. and gallant Friend was equally a stranger to the county. He was not a member of the County Club or of the County Hunt. He was, in fact, a total stranger to the county—he had not a relative or connection in it, even if such matters were judged according to the custom of Scotland—where the relationship extended to the 131st cousin. It was a serious thing when they came to consider that a perfect stranger, who knew nothing of the county, and whose justice he had never administered, should have been put at the head of the county magistrates. The other point which Lord Carlisle considered essential for the position of Lieutenant of a county was that he should have a residence in it. He now challenged the First Minister to show that the hon. and gallant Member had any residence in Clare. On this point the answer already quoted was very curious. It ran—

"There still remains the question of residence. But we have also received an intimation that it is his (Colonel White's) intention to reside upon the estate."

Sir Colman O'Loghlen

Of course, if the hon. and gallant Member had said he would give up his position in the Army, abandon the delights of London life, and go and reside on his father's estates in Clare, no doubt he would do it; but it would certainly be a strange thing for him to do, at his time of life, and with the position he occupied in the Army. The answer continued—

"I believe there is a residence for all purposes that are necessary, and, consequently, we do not hold it would be necessary to inquire as to qualification and into the amount of accommodation which the present residence affords, or whether my hon. and gallant Friend intends putting additions to it."

The hon. and gallant Member, he believed, had no residence in the county of Clare at all, and if a month before his appointment to this office a letter had been addressed to "Colonel the Hon. Charles White, County Clare, Ireland," he assured the House it would have been returned to the Department so well presided over by the right hon. Member for Limerick (Mr. Monsell)—the Dead-letter Department of the Post Office. He had since heard it said that Lord Annaly had a residence in the county of Clare, which, of course, would be transferred with the estates; and the name of it was given as Annaly Lodge, Broadford. For many years he had represented the county of Clare in this House, and until within the last week he never heard of Annaly Lodge, Broadford. On referring to *Thom's Directory*, he found mentioned there as residences of Lord Annaly—Woodlands, Clonsilla, county Dublin; Rathcline, county Longford, and Totness Park, Sunninghill, Berks; but *Thom* did not mention any residence in Clare, and he was glad to see the Attorney General making reference to that authority, as he would find there no mention of Annaly Lodge. *Burke's Peerage*, and *Lodge's Peerage* gave the same residences as *Thom*; and neither of them mentioned Annaly Lodge. The rate-book showed that this lodge, at which the Lieutenant was to dispense a generous hospitality—with all its greenhouses, stabling, &c.—was valued at £13 a-year. As the First Lord of the Treasury had accepted an invitation to Ireland he hoped the right hon. Gentleman would visit Annaly Lodge. The truth was, that eight or ten years ago Lord Annaly, or his agent, thought it expedient to build a small shooting lodge in Clare; and although

it was roofed in, it was never finished; there was no furniture in it; and, of course, no member of the family had ever lived in it. True, there was a park or shooting woods attached to it; but the valuation of these, deducting the valuation of the lodge, was £35 10s. Was he not justified in bringing this appointment before the House? The gentleman appointed was most estimable in private life, and he deeply regretted that it was his duty to make these observations about him. "Some are born to greatness, some achieve greatness, and some have greatness thrust upon them;" and in this case the hon. and gallant Member had a position thrust upon him which he had no right to occupy, and for which he was perfectly unqualified, by want of residence in Ireland, by want of residence in the county, and by his being a perfect stranger to the county, and therefore totally unfit to discharge the duties of the office. Was it surprising that the gentlemen of Clare indignantly resented this appointment? They entertained, too, another objection which ought not to be overlooked by the House. Nothing was more dangerous to a Monarch than to have it believed that there was some person behind the Throne who ruled and directed everything. Nothing was more injurious to the Government of Lord Melbourne than the supposition that he acted under the influence of O'Connell, who was then a Member of this House. In modern times a Government had lost prestige because it was supposed to be influenced by a Member of the House not a Member of the Cabinet. A feeling existed in Clare that the real Lieutenant was another person. ["Name!"] It was not necessary to give the name; but he had no objection to state openly that the feeling in the county was that the real Lieutenant would be Mr. William Lane Joynt, Crown and Treasury Solicitor for Ireland. The county gentry had expressed their indignation in these words—

"We, the undersigned magistrates and Deputy Lieutenants of Clare, have heard with deep regret that Colonel the Honourable Charles White has been appointed Lord Lieutenant of this county. While recognizing in the fullest manner the right of the Executive Government to appoint any person they may think fit to be Lord Lieutenant of a county, we cannot but express our opinion that the person appointed to that high office should be connected with the county by residence and local

knowledge of its magistracy and gentry. Colonel the Honourable Charles White has up to this time never resided in this county: he is not a magistrate or grand juror of it, and, being a total stranger to its residents, he must be entirely dependent on others, in the discharge of his duties, for local information. On these grounds we respectfully protest against his appointment to the office of Lord Lieutenant of this county, and call on our representatives in Parliament to take such steps as they may think proper to make this our protest known to Her Majesty's Government and to Parliament."

This protest was signed by 16 out of 19 Deputy Lieutenants of the county, and by 69 out of a magistracy numbering substantially between 90 and 100; in addition to which other names were coming in every day. In the face of this protest, he asked whether he was not fully justified in bringing this matter before the House? But this was not all. In pursuance of a requisition signed by Deputy Lieutenants and magistrates of the county, the High Sheriff of the county convened a public meeting of magistrates at Ennis, which was held last Saturday. This meeting was attended by 34 magistrates, and a resolution was passed expressing disapproval of the appointment of Colonel White, with but one dissentient. If Colonel White had friends—he did not mean personal friends, for the hon. and gallant Gentleman had no personal enemy, but if he was backed by any among the magistracy who approved his appointment—it would surely have been easy for them to have come forward and said so by their votes in a meeting of their own body openly convened by the High Sheriff of the county and as openly held. He was sorry to detain the House; but there was another branch of the subject to which he must refer. The appointment of his hon. and gallant Friend was defended out-of-doors on very curious grounds, one of which was that the White family had done good service to the Liberal cause in Ireland. He did not deny that the White family had rendered services to the Liberal cause in Ireland. The history of the election contests they had been engaged in, if written down in a book, would make a most curious and entertaining volume. The counties of Dublin, Longford, Leitrim, and Tipperary had witnessed battles fought by the White family on behalf of the Liberal cause. In the county of Clare they had also fought, but there it was not in support of the Liberal cause, but against a

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Liberal candidate. The family had not confined their attention either to county constituencies or to Ireland, but had visited the boroughs of Carrickfergus and Kidderminster, of which last borough the right hon. Gentleman the Chancellor of the Exchequer must have a very grateful recollection. He did not dispute the claims of the White family to recognition by the Liberal Government. By the universal sanction of everyone who knew him the head of the family was raised to the Peerage, and was now in his old age surrounded by troops of friends; but why should another member of the family be rewarded by elevation to an office for which he was not fitted? If the family had not been sufficiently rewarded, why not make Lord Annaly a Viscount or an Earl—he would not go further, because Marquises were reserved for the successful negotiators of treaties, and he did not think all the eloquence of the Crown and Treasury Solicitor in Ireland would be sufficient to induce the hon. Member for Shaftesbury (Mr. Glyn) to recommend the noble Lord for a Dukedom. If there was no other means of showing respect to the White family, he, for one, should not object to his hon. and gallant Friend the Member for Tipperary (Colonel White) being raised to the Peerage alongside his father; and if that was not a sufficient reward, let him be made Chancellor of the Duchy of Lancaster, an office which was about to become vacant, or Vice Chancellor of the Queen's University in Ireland, a post which was not at present vacant, but which his hon. Friend (Sir Dominic Corrigan) might, no doubt, be induced "spontaneously" to give up if proper language was used. All he objected to was the attempt to reward any member of the family by appointing him to an office he was not fitted to fill, and for which there were so many eligible candidates. He did not think it necessary to run through the whole catalogue of eligible persons; but as he had himself recommended one, he might mention his name. He alluded to Colonel Francis Macnamara, a descendant of one of the oldest families in the country, the owner of an estate more ample than that of Lord Annaly, a man who voted for the Liberal cause in that House for three years, and whose father held the county of Clare for

Sir Colman O'Loghlen

the Liberal party during 22 years. He could name many other gentlemen who were also eminently well fitted for the office. Why not have appointed his hon. and gallant Colleague in the representation of the county (Colonel Vandeleur), who would be admirably well suited for the post, although he sat on the Conservative side of the House? If there was a proper person for a Lord Lieutenancy who held the opinions of the Government of the day, by all means let him be appointed; but the absence of such a man was no justification whatever for the appointment of an utter stranger. In the debate on a Motion brought forward in that House on the 13th of April, 1869, in reference to the appointment of a Lord Lieutenant of Cumberland, the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) used the following words:—

"I am sure the House will not place me in the invidious position of having to go through a *catalogue raisonné* of the gentlemen in the county of Cumberland who might possibly be fit for the office of Lord Lieutenant; but I may say that their claims were thoroughly examined into, not in the light of party interests only, but with a due regard to the public weal. I have always been anxious, when in office, never to recommend any person to a high post under circumstances which would not command further confidence; and I should not have hesitated, in this instance, to have recommended a gentleman professing Whig politics, if it had been in my power to place before Her Majesty a name which should have immediately been recognized as an unimpeachable appointment. It is not a very easy thing to find a Lord Lieutenant, especially when the number from whom to choose is limited. There are gentlemen in the county who have estates, but who are not resident, and gentlemen who are resident, but have no estates. . . . So far from not having given the matter full consideration, I took pains to make myself acquainted with the general opinion of the county of Cumberland upon the subject, and I cannot see that I have been deceived in this respect."—[*3 Hansard*, cxcv. 736-7.]

In the case, also, of the appointment of a Lord Lieutenant for the county of Londonderry, the gentleman who was appointed differed in politics from the Government of the day. Another argument that had been used in favour of the appointment was that it was desirable to destroy the old *régime* in the county of Clare, under which "no Papist need apply" to be placed upon the Commission of the Peace. He regretted deeply the use of such language, and disbelieved entirely that the mere fact of a gentleman being a "Papist" would,

under any circumstances, cause his being chosen for the magistracy. He at any rate was not animated in any way by considerations of party politics; but desired simply to see that done which would be most to the advantage of the county which he had the honour to represent. The fact was, that out of 32 Lieutenants of counties, 22 were Liberals, so that there was no political reason why a Liberal should be selected for the Lieutenancy of Clare. He apologized to the House for the time he had detained them. He did not consider that the Resolution in any way interfered with the Prerogative of the Crown, this patronage being really exercised by the Ministry. It was casting no slur upon Her Majesty when he asked the House to say that this was an appointment of evil example which ought not to be followed. It tended directly to absenteeism—it tended to disparage the local gentry—it told them—"You may discharge all the duties of your station and act as magistrates and grand jurors; but when the highest honours of the county become vacant you are not fitted to fill them, no matter what may be your title, wealth, or position; and we will put in a stranger over your head," That was not the way to govern Ireland. It was not governing Ireland according to "Irish ideas" when absentees were appointed and the local gentry, who acted in times of difficulty and danger, were passed over. He had brought forward this subject with great regret and pain, for the hon. and gallant Gentleman whose appointment he questioned was a personal Friend of his own, and possessed influence in Clare. It was not a pleasant thing to attack an influential supporter of his in his own county; but he had felt it his duty to do so, and having done his duty must now leave the House to do theirs. The right hon. and learned Gentleman concluded by moving his Resolution.

Motion made, and Question proposed,

"That this House has heard with great regret that a gentleman has been appointed Lord Lieutenant of Clare who has never resided in that county, who is a stranger to its Magistrates, and who does not possess that local knowledge of the county and its residents essential to the proper discharge of the important duties of a Lieutenant of a County, and that this House is of opinion that such an appointment is of evil example, and ought not to have been made."—(*Sir Colman O'Loghlen.*)

THE MARQUESS OF HARTINGTON :
I think the House will agree with me that the right hon. and learned Gentleman has brought forward his Motion in a speech of great ability, though we may perhaps think it might with advantage have been somewhat curtailed. I am quite ready to admit that he has, on the whole, treated what must have been to him a painful subject in a temperate and moderate spirit, excepting a few allusions which might, I think, have been omitted. He has given us some details, which were scarcely necessary, as to the history of the White family, the elections they have contested, and the claims he thinks they thus possess upon the Government. But, on the other hand, the right hon. and learned Gentleman has given us a great deal of interesting and valuable information, both respecting the institution of Lieutenants of counties, and the history of the families in the county he knows so well. I do not in the least underrate the importance of the Motion he has brought before the House. To a certain extent, I am perfectly aware, it is a Vote of Censure upon the whole Government, and it is a most direct Vote of Censure upon the Irish Government, which I represent. I say I do not underrate the importance of the Motion; but I hope it will not be thought that I am guilty of any disrespect either to the right hon. and learned Gentleman or to the House, if I do not emulate the length to which he ran, but attempt to dispose of a very simple matter in a short and very simple way. The question before the House is really not whether Colonel White is the most fit of all the candidates for the Lieutenancy of Clare; but whether he is a properly and duly qualified candidate. So far as I can make out, his qualifications are impugned upon three grounds. The first objection is, that when appointed to the office he was not possessed of any property in the county; secondly, it is said that he is not now, and has not been, a resident in the county; and thirdly, that he is not possessed of any local knowledge of the county or the magistracy. Now, the right hon. and learned Gentleman is himself obliged to admit, as to the first of these objections, that the possession of property is not a legal qualification. About that point there is no doubt. Her Majesty's Government are quite as will-

ing to admit, as the right hon. and learned Gentleman can be, that property in the county is an essential though not a legal qualification for the office. As far as I am aware, however, it has never been held that the actual possession of property is essential, if the person appointed were known and recognized as heir to large estates. The right hon. and learned Gentleman can hardly be ignorant of the fact that in several instances the eldest sons or heirs to large estates have been appointed without the smallest objection by anyone. In this way the present Duke of Rutland, then Marquess of Granby, was, I believe, appointed Lord Lieutenant of Lincolnshire. Though not then possessed of any property in the county, he was no doubt perfectly qualified as the heir to large estates there, and well acquainted with the county. A more recent appointment was called in question in this House. On the resignation of the late Lord Lonsdale, his nephew, Colonel Lowther, was made joint Lieutenant of Cumberland and Westmoreland. He was heir to his uncle; but as far as I am aware, was not possessed of property in either county, and the case is a strong one because, though the appointment was questioned here, not one word was said about the absence of a property qualification. Colonel White was designated by Lord Annaly as heir to large estates in Clare, and we, therefore, considered that, so far as a property qualification was essential, that condition was entirely fulfilled. On this part of the subject the right hon. and learned Gentleman made an allusion which I think cannot be justified. He intimated that property had been transferred to Colonel White, in order to give him the necessary qualification. That insinuation is, I am happy to say, entirely without foundation. I should not have thought it necessary to mention the circumstances, unless that insinuation had been made; but I happen to know that some little time ago, during the lifetime of the late Lord Lieutenant of Clare, who was in extremely bad health, the Lord Lieutenant of Ireland asked Lord Annaly whether, in the event of a vacancy, and in the event of his being considered an eligible candidate, he would desire that the Lieutenancy should be conferred upon his eldest son, Colonel Luke White; and at that time Lord Annaly informed my

noble Friend that the Clare estates would be left to his second son, Colonel Charles White. No more was said about the matter at that time; but this fact disposes of the insinuation that the appointment of Colonel Charles White had anything to do with his inheritance of these estates. The second objection to the appointment is, that Colonel White has not hitherto been a resident in the county. I consider this the most important objection, and it seems to me the only point upon which an explanation is really required. I am quite willing to admit that residence is an essential qualification for the office of Lieutenant of a county. Indeed, I go further than the right hon. and learned Gentleman goes on this point. He says that residence in Ireland is an essential qualification, while residence in the county is only desirable. Now, a man may reside in Dublin, and may be no more fit to discharge the duties of the office than if he resided in London. But residence in the county, if not a legal, is, I think, an essential qualification; and upon this point the Lord Lieutenant of Ireland and the Government thought it necessary to institute an inquiry. There was a difficulty in the filling-up of this appointment. No doubt the absence of residence in the county was an objection to Colonel White. That was stated both to Lord Annaly and to Colonel White, and we received assurances from them which were satisfactory. The promise of my hon. and gallant Friend was as good as anything more formal, and we received from him an assurance that as, by the act of his father, he had been made one of the largest landed proprietors in the county of Clare, he intended becoming a resident proprietor, and to reside in the county during a part of the year. I acknowledge that my hon. and gallant Friend did not express any intention of giving up either his position in the Army or his seat in this House; but I should be surprised if holding a commission in the Household Troops or a seat in this House should be any disqualification for the post of Lord Lieutenant of a county. Of course, these duties would take up a considerable portion of my hon. and gallant Friend's time; but having the distinct assurance of my hon. and gallant Friend that he will reside during a portion of the year in the county, that is sufficient. The

The Marquess of Hartington

third objection to the appointment is, that my hon. and gallant Friend does not possess any knowledge of the county, or any acquaintance with the magistrates. I presume, however, the explanation I have given on the question of residence will almost answer this point also. We admit that my hon. and gallant Friend does not at present possess a knowledge of the county; but we submit that it is not required that a Lieutenant should have knowledge of the county as regards the past, or even that he should have present knowledge of the county, but that he should be in a position to possess such knowledge in the future. The Lord Lieutenant of a county is not required to write a history of the county over which he is called to preside. His duty is to make himself acquainted with the magistrates, and with the persons who are eligible to be magistrates, and with those also who are eligible for commissions in Militia regiments, that he may judge of their fitness for the posts they seek. If the pledge given to us is acted on—as I have no doubt it will be—residence in the county will give knowledge of the county, and enable my hon. and gallant Friend to watch the interests of the county. The right hon. and learned Gentleman has referred to the debate on the Lieutenancy Bill, and he quoted a passage from a speech by Lord Grey which did not tell very much in his favour. Lord Grey attached so much importance to residence, that he questioned whether it would not be expedient to introduce a clause in the Bill making it imperative. We entirely concur in Lord Grey's view; but Lord Grey did not require that the Lord Lieutenant should have resided in the county, but that he would reside there. It never occurred to Lord Grey, or to any other reasonable person, that previous knowledge of the county was essential, as long as there was a reasonable assurance that future residence would enable the holder of the office to acquire the necessary knowledge. But the right hon. and learned Gentleman went on to assure us that Colonel White was not objected to so much on account of personal unfitness, as from the fact that the real patronage of the county would fall into the hands of the Treasury Solicitor, Mr. Lane Joynt, to whom the right hon. and learned Gentleman alluded as the shadow which stood behind

the Throne. This shadow seemed greatly to haunt the imagination of the right hon. and learned Gentleman. Upon one occasion the right hon. and learned Gentleman applied to me with reference to the appointment of a governor of a lunatic asylum in the county of Clare, and when there was some slight hesitation about appointing the right hon. and learned Gentleman's nominee, he wrote an extremely indignant letter to me, saying he knew the question of the appointment had been referred to Mr. Lane Joynt, whose shadow would stand behind the Throne. In my reply to the right hon. and learned Gentleman, I assured him that not a single word had been written or spoken to Mr. Lane Joynt upon the subject, and he assured me on that occasion that he was perfectly satisfied. I hope that upon this occasion he will be satisfied with my assurance, when I tell him that not one word has been said or written to Mr. Lane Joynt upon this subject, either by myself or by any other Member of the Government. I hope the hon. and gallant Member (Colonel White) will, if he addresses the House at a later period of this debate, give the right hon. and learned Gentleman equal satisfaction, by his assurance that in the administration of the affairs of the Lieutenancy he will act upon his own opinion, and not allow himself to be overshadowed by the terrible spectre which haunts the imagination of the right hon. and learned Gentleman. I cannot leave this correspondence without recalling to the mind of the right hon. and learned Gentleman that in one of his letters he laid down the principle that appointment to the governorships of lunatic asylums was the undoubted privilege of the county Member. I do not know whether the right hon. and learned Gentleman thinks the appointment of the Lord Lieutenancy is also part of the undoubted patronage of the county Members. He did not say so to-night in as distinct terms as he laid down the other principle in the correspondence I have referred to; but I must demur to both with equal decision. Now, Sir, I do not know whether the House desires me to enter upon a discussion of the merits of the other candidates for the office. ["No, no!"] I can assure the House I will gladly abstain from doing so. The next point to which I have to refer is the reference

made by the right hon. and learned Gentleman to what he describes as a protest signed by the county magistrates against the appointment of Colonel White. I have seen no protest; I do not know anyone who has; I have seen a report in the newspapers of a meeting on the subject; and that meeting does not seem to me to tell in favour of the right hon. and learned Gentleman. We were told there was great excitement in the county, and that the magistrates had met to protest against the appointment. But that meeting was attended by only 32 gentlemen, and the right hon. and learned Gentleman did not inform the House the number of magistrates in the county of Clare.

SIR COLMAN O'LOGHLEN said, there were 150 on the roll, and between 90 and 100 resident in the county.

THE MARQUESS OF HARTINGTON: But out of the 150 on the roll only 32 met to protest against an appointment which we are told is universally regarded as an insult to the magistracy of the county. The right hon. and learned Gentleman says the resolution was carried unanimously, and asks why, if the feeling were not general, no opposition had been raised against the protest. But it is hardly reasonable to expect that the supporters of the gentleman appointed would attend a meeting called to condemn the appointment. I am not surprised that the solitary gentleman who did attend the meeting in the interest of my hon. and gallant Friend did not secure a seconder; and I must say he is a friend who is more to be commended for the warmth of his attachment than for his discretion. I do know something about the magistrates who attended the meeting, and I am informed that a considerable number of them were not magistrates possessed of any property whatever in the county, but were merely agents of others, and gentlemen whose opinions therefore could not be regarded as of very great weight. But when the right hon. and learned Gentleman asks by whom this protest was signed, I should like to hear from him or from some of his Friends, by whom it was prepared, and whether it emanated from the county of Clare or from the right hon. and learned Gentleman and his Friends. I am quite ready to admit that there is dissatisfaction in the county on the subject of this appoint-

The Marquess of Hartington

ment; but I do not believe that that dissatisfaction originated in the county, nor that it originated in the county, and was transferred to the right hon. and learned Gentleman as the mouthpiece of the county. I believe—and I am sorry to say it—that it originated in a feeling of disappointment—I will not say of anything else—on the part of certain hon. Gentlemen who are a great deal nearer to this House than the county of Clare. I believe it originated much more in London than in the county of Clare. If that be the true explanation, as I believe it is, of all this business, I can hardly imagine that this House, although it likes to take up a great number of multifarious subjects, will deem it to be part of its functions, or one of its bounden duties, to redress the wrongs of gentlemen who might think they have a claim to the office of Lord Lieutenant of Clare superior to that of my hon. and gallant Friend. If it can be shown that my hon. and gallant Friend is in any way unfitted for the post he holds, I can understand the House taking up the matter. But it has been acknowledged in an ample manner by the right hon. and learned Gentleman that every personal qualification that is required for his position is possessed by my hon. and gallant Friend. I have shown that in our opinion—and I hope also in the opinion of the House—the Lord Lieutenant of Clare has all the substantial and legal qualifications that are necessary; and I trust, therefore, the House will not make itself the means of redressing the fancied wrongs—for I cannot allow that they are real wrongs—of any hon. Gentleman who may think that he has been passed over in this instance. The right hon. and learned Gentleman mentioned that this matter of the appointment of Lords Lieutenant of Irish counties is one which is vested by Act of Parliament entirely in the hands of the Lord Lieutenant of Ireland. Now, my noble Friend the present Lord Lieutenant of Ireland is perfectly ready to take the responsibility of the appointments he has made of Lords Lieutenant of counties in every case, and especially in this case. It is true that these appointments are of such importance that my noble Friend never makes one of them without consulting my right hon. Friend at the head of the Government, and I may here say that my right hon.

Friend is perfectly prepared to take any responsibility that may belong to him on this question. The real responsibility, however, practically rests with my noble Friend the Lord Lieutenant of Ireland, and he is quite ready to bear it. I could have desired that my noble Friend had an opportunity of defending in the House of Lords his appointments, in the same way as the late Lord Carlisle, when Lord Lieutenant of Ireland, once had of defending his; but as the statement of his case has devolved not on him, but on me, I may be allowed to say what my noble Friend could not have said of himself—and that is that I conscientiously believe there never was a Lord Lieutenant of Ireland who has acted under a greater sense of responsibility, or with greater care and attention in regard to all appointments, than my noble Friend has done ever since he became Lord Lieutenant. I do not believe that any Lord Lieutenant of Ireland ever took more pains than he has taken to make himself personally and locally acquainted with that country, and with every county in it—the most remote as well as those near to Dublin. I also do not think that any of his predecessors have taken more pleasure in the discharge of the duties of his office. I think he esteems it a great honour to hold the high office he fills. I am certain he has a feeling of pride in the execution of its duties, and that he would not wish to continue one moment in that position if the House of Commons asserts—as it would assert by assenting to the Motion of the right hon. and learned Gentleman—that he is capable of making a corrupt or an unworthy use of the patronage which is attached to it.

MR. HERON said, he wished to state the reasons why he must vote against the Motion. He entirely disagreed from the right hon. and learned Gentleman who had made it, both as regarded the law he had laid down in reference to his Motion, and also as to the expediency of the Motion itself. He maintained that in England, in Scotland, and in Ireland, the office of Lord Lieutenant of a county being regulated by statute, there was no qualification attached to that office, and that gentlemen had been repeatedly appointed Lords Lieutenant in all three parts of the United Kingdom by previous Governments who had

neither residence nor property in the counties over which they were placed. He would enumerate the case of the Earl of Mansfield, who was made Lieutenant of Clackmannan by Lord Derby's Government in 1852; the case of the Earl of Dalkeith, who was made Lieutenant of the county of Dumfries in 1858. Sir Graham Montgomery who was made Lieutenant of Kinrossshire in 1854; and the Earl of Wemyss had been made Lieutenant of Peeblesshire in 1853, having no residence there but the Castle of Nidpath, which for years had been in ruins. Was it, he asked, intended to issue a Commission to inquire whether property and residence in their counties existed in regard to all Lords Lieutenant appointed either by Lord Derby's, Lord Aberdeen's, or any other Ministry, and rightly appointed, as he assumed, because no exception had been taken to their nomination? His own opinion was, that the Motion had been thrust upon the right hon. and learned Gentleman by three owners of property in Clare, who considered themselves entitled to the appointment. References had been made to the elections in which the White family had been engaged from the year 1812 to the present time; but the election proceedings of that family had proved of some use, he believed, to the cause of Catholic Emancipation. On the part of the Irish Roman Catholics he begged to express his satisfaction that the family of Colonel White, who had stood by their cause in the time of Catholic Emancipation, had at length had its claims recognized. The right hon. and learned Gentleman said he had no objection to the appointment of the hon. and gallant Gentleman on either personal or public grounds. It must, therefore, be upon local grounds that the right hon. and learned Gentleman objected to the appointment, and those grounds must be founded in the belief that Colonel White would abuse the trust that was placed in him by permitting Mr. William Lane Joynt actually to make all the appointments which were nominally made by the Lord Lieutenant. He was satisfied that the hon. and gallant Gentleman would not be guilty of such conduct. The hon. and gallant Gentleman had been assailed most unhandsonely on this occasion, and the right hon. and learned Gentleman, while declaring that he only made this Motion

on public grounds, had condescended to enter into the meanest personal details. Everyone knew that the hon. and gallant Gentleman would discharge his duties with honour and with great ability; and under these circumstances he trusted the House would not allow to succeed a Motion which was instigated by political hostility, by political rivalry, and by political disappointment.

MR. H. A. HERBERT wished to assure the hon. and gallant Member for Tipperary (Colonel White), that in the remarks he was about to make he was actuated by a feeling of public duty, and not by a wish to annoy him. He must, however, say that he did not like the way in which the hon. and gallant Gentleman had been made the Lord Lieutenant of the county of Clare over the heads of the magistrates who had lived for years in that county, and who must, therefore, possess a knowledge of those who lived in it which he necessarily could not have. While admitting that the hon. and gallant Gentleman had discharged his duties in the Army and in that House with great ability and energy, he could not help being influenced in his judgment as to the expediency of the appointment by the fact that he had not possessed any property in the county at the time he was selected by the Government to fill the office, and that he was not then a resident in Ireland. No doubt his father meant to leave the property to him; but supposing the father were to die in the meantime intestate, there would be a Lord Lieutenant for Clare without any property in the county. Absenteeism had given rise to great evils, and the Government were wrong in encouraging it, by appointing an absentee to such an office. He was glad to hear that the hon. and gallant Gentleman was going to reside in the county; those who knew him as well as he did would acknowledge that he was a good fellow; but he doubted much whether he would reside there—although he said he would—for a sufficient time to enable him to acquire that knowledge of the people, which was requisite for the holder of the office of Lord Lieutenant of the county.

MR. STACPOOLE said, that the appointment of an absentee to this office had given rise to considerable excitement in the county, a feeling which was not confined to the magistracy, but was

generally entertained by the people at large. The people of Clare did not like to have a man whom they had scarcely seen put over their heads. The hon. and gallant Member for Tipperary (Colonel White) had stood for the county in 1860, when he had opposed a Liberal candidate, and when there were expressions used which he did not like to repeat. As an ex-magistrate of Clare, he begged to enter his protest against this appointment.

MR. OSBORNE: I wish to say a few words upon this subject, not because I am particularly well acquainted with the county of Clare, although I know that the hunting to which the right hon. and learned Gentleman has alluded is the worst in Ireland, but because I am a constituent of my hon. Friend—and I call him "my hon. Friend" not in the sense in which he has been so called to-night by some of his "damn'd good-natured friends." ["Order!"] Are hon. Members not aware that it is a quotation? If *The Critic* is an improper book to quote from, I apologize to you, Sir, for having used the expression—I call him my hon. Friend, not because I take a particular interest in Clare, but because I am proud of the hon. and gallant Member for Tipperary, because I know his good qualities as a man and his ability as a Member of this House. While I can do full justice to the feelings evinced on this occasion; while I know the sensitiveness which has been evoked by the hon. Member for Ennis (Mr. Stacpoole), who was a candidate for this office; while I acknowledge the disinterested manner in which, feeling that disappointment keenly, he has thrown up the Commission of the Peace of that county; while I do justice to the motives of the right hon. and learned Gentleman the Member for that county; while I acknowledge the variety of information which, through the means of this Paper, he conveys to the House, the multitudinous Motions which he puts upon it; and while I admire his great ability in every respect—more especially in having lately extracted the longest answer from the Attorney General that ever was given; while I still more admire the paternal ingenuity with which he contrived to make away with his own legislative bantling by performing the "happy despatch" upon it on a late occasion, I regret that in this instance he

Mr. Heron

has been seduced, by what I call the parochial *animus*, to make this great storm in the House about a very little matter. I regret it the more from one in his position, considering his descent and his politics, and I think I may address him in the words of Cassius to Brutus—

"Brutus, I do observe you now of late :
I have not from your eyes that gentleness
And show of love that I was wont to have.
You bear too stubborn and too strange a hand
Over your friend that loves you."

I regret that the right hon. and learned Gentleman should have borne so heavy a hand on the present occasion. He did not in the whole course of his very carefully-elaborated speech say a single word to show that my hon. and gallant Friend the Member for Tipperary is not a fit and proper person to be appointed Lord Lieutenant of the county of Clare. If the Hon. Charles White is a fit person to represent the interests of the great county of Tipperary in this House, much more is he fit to reign over the magistrates of Clare, and appoint those strange creatures called Deputy Lieutenants, of whom I could never yet make out the use. There is an old proverb which says that if one Irishman is put on a spit there will immediately be found two more to turn him. Of the justice of that proverb we have had an example to-night. An attempt has been made to throw discredit on the White family, on account of the money which they have spent in elections; but my right hon. and learned Friend ought to be the last person to deal in any expressions of that kind. He alluded to the election for Clare in 1859. Has he forgotten that great election for the same county which shook the fetters from the Roman Catholics, when O'Connell stood for Clare, and was materially assisted by the White of that day? He should have recalled that election to mind, before he said a word in disparagement of the grandson of that gentleman. And what, let me ask, is this office of Lord Lieutenant, about which we have heard so much? The qualifications for it, I believe, are generally supposed to be property, residence, and, above all, a political diploma. Well, nobody can deny that my hon. and gallant Friend has, or will have, considerable property in Clare. It is true a most ungenerous attempt has been made to turn into ridicule the rating of Annaly

House; but it is an attempt which is, I think, unworthy of the occasion. As to residence, I congratulate the county of Clare on having got among them a gentleman whom they cannot fail to regard as being one good Irishman the more; and as to political diploma, there may in this respect have been some neglect on the part of the Government, for they might have remembered the unswerving devotion of the hon. Member for Ennis, who, on all questions, except, perhaps, relating to a Royal residence in Ireland, has proved himself to be one of their most constant supporters. I hope he will continue to be so, for I do not understand that he has resigned his seat for Ennis. With regard to my hon. and gallant Friend the Member for Tipperary, it is well known that he opposed the Government on the Land Bill, on the Re-organization of the Army Bill, and on the Peace Preservation Bill. I trust he will continue to hold the same independent course, and that he will not be seduced by the baubles of a Lord Lieutenancy. But I regret that this question has ever come before the House. I think it was unworthy of the position of the right hon. and learned Gentleman to have brought it forward, and unworthy of the House to entertain it. Whether the House entertains it or not, and whatever the shortcomings of the Government may be, I do not for a moment imagine that their conduct in this instance will be censured by the Irish votes. The right hon. and learned Gentleman has been commissioned by 31 magistrates out of 150 who met in a hole and corner—no one else being admitted, but I hope he will rest satisfied with having called attention to the subject; but in any case I trust the House will not express its disapproval of the conduct of the Government, but will, I was almost going to say, thank them for having made so bold and good and honest a choice.

SIR DOMINIC CORRIGAN expressed his thanks to the Government for having made an appointment in which not only Clare, but he might say the whole of Ireland, was interested, for the Irish people were glad to see a compliment paid to a member of a family who had fought their battles in past times. The House had been told that 30 magistrates had assembled at a hole-and-corner meeting and protested against the ap-

pointment to the Lord Lieutenancy of Clare. But Clare had a population of 130,000. Why was not an aggregate meeting called and the general opinion asked? Why, the result would have been an approval of the appointment. An objection had been made to the appointment of Colonel White that he was a stranger to the county of Clare. The magistrates of Clare had taken that view. But in 1829 the magistrates of Clare took the same view. They objected to O'Connell because he was a stranger. O'Connell replied that he was identified with the people of Clare in everything that could identify man with man. The Government had done nothing more than repay a debt of gratitude which every Liberal in Ireland owed to the White family.

COLONEL WHITE said, it was not his intention to detain the House more than a few moments—in the first place, because he was physically incapacitated from doing so; and, in the second place, because he thought it would be more modest, and would show more proper feeling on his part, if he were to leave the defence of his appointment in the hands of those who were so well capable of defending it, if they deemed it to be right. He would not even touch on the speech of the right hon. and learned Gentleman who brought forward the Motion (Sir Colman O'Loughlen), save to say that he thought the right hon. Baronet might have spared him and his family the sneer in which in the course of it he deemed it right to indulge. He would say very little or nothing with regard to the compliment the right hon. and learned Gentleman had paid him in supposing that he was not competent to discharge the duties and responsibilities attached to the office of Lord Lieutenant of Clare. The right hon. and learned Gentleman, he durst say, had some reason for thinking that he (Colonel White) was not fit for that office; but he was not quite sure that the sentiment of the right hon. and learned Gentleman was reciprocated by the Gentleman to whom he had referred. The feeling which he (Colonel White) experienced at the present moment on this subject was an intensely painful one—so painful that it might be wondered that he still cared to be Lord Lieutenant of Clare. If his personal feelings were to be consulted in this matter, he should be bound to relin-

Sir Dominic Corrigan

quish the honour which had been conferred upon him; but nothing would induce him to take that step short of a decisive vote of the House, and for this reason—that if he did so, he should be doing that which, in the first place, would be unjust to himself; and, in the second place, would be unjust to those who had done him the honour of appointing him to this post, and of supposing that he was competent to discharge the duties and responsibilities attached to it. But, above all, if he did so, he would be doing that which was unjust to the Liberal gentry and to the people of the county of Clare, and not only to them, but to the Liberal party in the South of Ireland. He looked upon this appointment as the embodiment of the principle that religious or political opinion ought not to debar a gentleman of position, a gentleman of worth, a gentleman of loyalty, a gentleman of high standing and of credit from an equal share, at least, in the administration of local affairs; and that it was not for the public weal that any section or clique should monopolize the privileges, honours, and responsibilities attached to such an office. For his own part, he could only say that it should be his endeavour, if the House thought fit to ratify the appointment the Government had made, by a consistent course of entire impartiality to do his best to obliterate the unpleasant feelings which might exist at present. And as to the future, he had far too exalted an opinion of the sense of fair play, justice, and good feeling of the magistracy and gentry of the county of Clare to suppose for one moment that he would not be welcomed when he went amongst them—as go he would—with that kindness, courtesy, and good feeling which he was sure they could not fail to extend to one whose aim would be to convince them that his only desire was to do that which was right.

LORD CLAUD HAMILTON said, the hon. and learned Member for Tipperary (Mr. Heron) had endeavoured to justify this appointment by referring to the appointments of certain noblemen as Lords Lieutenant in Scotland. The hon. and learned Member said that Lord Wemyss had no residence in the county of which he was appointed Lord Lieutenant. He believed the hon. and learned Member was grievously misinformed on

that subject. The hon. and learned Member said the Earl of Mansfield had no property in the county of which he was appointed Lord Lieutenant. On that subject also, he believed the hon. and learned Member was grievously misinformed. And as to the Earl of Dalkeith, he had been a resident during the greater part of his life in the county of which he was appointed Lord Lieutenant, and was the heir of enormous property there. The hon. and learned Gentleman ought to have known the difference between a heir presumptive and a heir apparent. He (Lord Claud Hamilton) complimented the hon. and gallant Gentleman (Colonel White) on his ability. He had always heard him spoken of in the highest terms, and therefore he regretted to have to record a vote against his appointment.

MR. HORSMAN said, he was induced to say a few words in consequence of what had fallen from the noble Lord who had just sat down. He confessed that until a recent period it was his intention not to have taken a part in the division. During the last few hours he made himself acquainted with the facts, which had very much changed his opinion. The noble Lord who had just spoken had alluded to some appointments which were made by Conservative Ministries, between which and the appointment of his hon. and gallant Friend (Colonel White) he said there was a great distinction; and he talked of the difference between heir presumptive and heir apparent. Well, what were the facts of this case? A vacancy occurring in the Lord Lieutenancy of Clare, it was quite open to the Government, according to the rule which prevailed in such matters, to select a Peer, and appoint Lord Annaly to the office, as the Earl of Lonsdale had been appointed to the Lord Lieutenancy of Cumberland and Westmoreland, and the Duke of Buccleuch to the Lord Lieutenancy of Dumfries. Lord Annaly, he believed, was in his 83rd year, and was not desirous of taking a new office. Lord Lonsdale did not wish to retain the office of Lord Lieutenant of Cumberland and Westmoreland, and he applied to the Government to appoint Colonel Lowther, who had not an acre in those counties, Lord Lieutenant of them. That appointment was challenged in the House. There was not a Conservative in the House

who did not defend that appointment, and who did not feel that Colonel Lowther, from his education, his position and character, was a fit man to fill that appointment, although he had not an acre of property in those counties. The Duke of Buccleuch was appointed to the counties of Mid-Lothian and Dumfries; and for the latter he recommended his son, the Earl of Dalkeith, although he had not an acre of landed property in that county. Was there a Conservative who would not have defended that appointment? Lord Annaly was Lord Lieutenant of two counties and he declined to accept another appointment. What was the difference between the case of Lord Annaly and that of the Duke of Buccleuch? Lord Annaly said—"I do not wish to take this appointment, but there is the heir of my estates in that county; appoint him." What was the difference between an heir presumptive and an heir apparent? It was well known to the Friends of his hon. and gallant Friend the Member for Tipperary, and also to the Government, that he was as much the heir of Lord Annaly in the county of Clare as the Earl of Dalkeith was the heir of the Duke of Buccleuch. The Government were aware that under family arrangements he would have property which would qualify him for the Lord Lieutenancy of the county of Clare. Allusion had been made to the past election contests of the White family in Ireland, and he might remark that he knew more respecting this subject than his right hon. and learned Friend (Sir Colman O'Loughlen), because it happened that the first Election Committee on which he had ever sat unseated the present Lord Annaly, one of three brothers who had been returned to Parliament in the hottest conflicts ever known in Ireland. Those brothers were regarded as the strength and stay of the Liberal party among Liberal Protestants at a time when Liberal Protestants were rare. Hon. Gentlemen on the other side of the House prided themselves on their party zeal and fidelity, and he was surprised, therefore, at their finding fault with Her Majesty's Government for recognizing party services. His hon. and gallant Friend the Member for Tipperary was not a weak specimen of aristocratic imbecility, but a Member of that House whose ability and manliness had made

him an object of respect to his opponents, of admiration to his friends, and the pride of the Irish Representatives. His hon. and gallant Friend possessed those qualifications which were calculated to make him popular in the county, and he knew no man who possessed them in a higher degree than his hon. and gallant Friend. He agreed with his hon. Friend the Member for Waterford (Mr. Osborne) in thanking the Government for making the appointment, and he hoped that after the unanimous expression of opinion in the House in favour of the appointment, his right hon. and learned Friend would not press his Motion to a division.

THE ATTORNEY GENERAL FOR IRELAND (Mr. Dowse) said, he rose for the purpose not of delivering a speech, but of making a statement as to a matter of fact. His right hon. and learned Friend the Member for Clare (Sir Colman O'Loughlen) had objected to this appointment on the ground that his hon. and gallant Friend the Member for Tipperary had not when appointed a residence in the county of Clare. The truth, however, was, that at the present time the hon. and gallant Gentleman had in the county as good a residence for all practical purposes as any gentleman possessed in it. To show that residence in the county was not a necessary qualification he would cite the case of the Duke of Abercorn, who was appointed Lord Lieutenant of the county of Donegal, in which county he had large estates, but no residence. [*Cheers.*] He was not detracting from the merit of that appointment, but he was mentioning a fact. The noble Duke had a residence, no doubt, in the county of Tyrone. His hon. and gallant Friend was neither heir apparent nor heir presumptive; but his father made a will some years ago. [An hon. MEMBER: His father is not dead yet.] Well, according to the hon. Gentleman opposite a man could not make his will till he was dead. At all events, he hoped the sapient legislator who had just interrupted him would not wait until he was dead before he made his will. Perhaps, the hon. Gentleman was thinking that a will was an "ambulatory" instrument which could be altered in the testator's lifetime. The truth was that Lord Annaly bequeathed his estates in the county of Clare and in an adjoining

county, worth £13,000 a-year, to his son the hon. and gallant Member for Tipperary, and his Lordship had lately, and before the appointment was made, executed a deed conveying them absolutely to the hon. and gallant Member, who was now in possession of them. He apprehended that would satisfy the hon. Member opposite. At the present moment the hon. and gallant Member was possessed of an estate worth nearly £9,000 a-year in the county of Clare, with a residence upon that estate, and also of another estate worth £4,000 a-year in an adjoining county. In his opinion such a man, an officer in the Guards, and a Member of that House, was a fit person to be appointed Lord Lieutenant of the county. It had been objected that his hon. and gallant Friend would be the *Custos Rotulorum* of the county, albeit he was not a magistrate; but the fact was that every Lord Lieutenant was *ex officio* in the Commission of the Peace. He might remark, however, that the late Lord Roden was removed from the Commission of the Peace in 1849, but nevertheless he retained the office of *Custos Rotulorum* until his death in 1870.

MR. BUTT said, he would not have spoken if there was not a voice that ought to be heard, and that was the voice of the people of the county who had the chief interest in this appointment. There had been no expression of local opinion during the debate. The city he represented (Limerick) bordered on Clare, and he had thought it his duty to endeavour to ascertain from his constituents, and from the people of Clare, what was the popular opinion on this subject. He had to say distinctly that the popular opinion—and he was not speaking of discontented magistrates who might, like the "moping owl," feel offended because a stranger had entered into their county to "disturb their ancient solitary reign"—was in favour of this appointment. From intelligence he had received to-day, the popular voice throughout the whole western district of the South of Ireland was in favour of it; and the appointment was a proof that manly independence in that House would not prevent a man from receiving an appointment which had been too often reserved for the obsequious followers of a Minister. He believed there was a great deal of exaggeration about the

Mr. Horsman

dissatisfaction of the gentry. He objected, however to the House of Commons reviewing the appointments of the Executive Government. That course was quite unconstitutional; and the power of the House consisted in being at liberty to censure the Government, if there was anything in an appointment that called for interference.

LORD HENRY SCOTT asked the indulgence of the House while he contradicted a statement made by the right hon. Gentleman the Member for Liskeard (Mr. Horsman), with reference to the appointment of his brother (the Earl of Dalkeith) as Lord Lieutenant of Dumfriesshire. That right hon. Gentleman might no doubt make any statements of facts within his own cognizance; but he had no right to state as facts what he could not be informed of. The right hon. Gentleman stated that his brother had been recommended for that appointment by his father. Now, he did not know what justification the right hon. Gentleman could have for making that statement. Such was not the case. So far from that appointment being made as a party appointment, it was offered to his brother by the most popular Liberal Minister of the day previous to its acceptance under the Minister who succeeded him.

MR. HORSMAN apologized to the noble Lord for the statement he had made. When the Earl of Dalkeith was appointed Lord Lieutenant of Dumfriesshire he (Mr. Horsman) had assumed that the appointment would have been given to the Duke of Buccleuch, if he would have accepted it, and that he preferred his son should be appointed. He had believed that to be so, but he regretted the statement he had made. He made it with the greatest respect for the Duke of Buccleuch and the Earl of Dalkeith, both of whom he had the honour of knowing, and for whom he entertained the most cordial regard.

THE MARQUESS OF HAMILTON said, he wished to say a few words with reference to the statement of the Attorney General for Ireland as to the appointment of the Duke of Abercorn to the Lord Lieutenancy of the county of Donegal. The right hon. and learned Gentleman said the Duke of Abercorn had no residence in that county, and he also stated that the county of Tyrone was contiguous to the county of Donegal.

That was correct; but he ought also to have stated that the estates of the Duke of Abercorn were continuous, running from one county into the other, and situate almost within a ring fence. He had also been associated with the county of Donegal by early connection, and was perfectly well acquainted with every gentleman residing in the county, having been a Deputy Lieutenant of that county himself.

MR. G. BENTINCK said, he thought the House would be pursuing a most unconstitutional, revolutionary, and mischievous course by attempting to take from the Executive appointments of this description, and placing them virtually in the hands of the House. If there was anything in the character of the person appointed which militated against the appointment that would be a different matter; but there was nothing of that kind here. On the contrary, every thing was in favour of the appointment.

SIR COLMAN O'LOGHLEN said, he thought that such appointments ought to be canvassed in the House, otherwise there was no restriction on the acts of the Executive Government in such matters. There was no foundation for the remark made by the noble Lord the Chief Secretary for Ireland that the meeting at Ennis on Saturday last was a hole-and-corner meeting. It was perfectly true that only 34 magistrates attended the meeting; but it was open to every magistrate who chose to attend, and, as he has said, he held in his hand a protest against the appointment, signed by 69 magistrates and Deputy Lieutenants of the county. He would only say further that if he had in the course of this debate made any observations which he ought not to have made he was sorry he had done so, and he at once apologized for them to his hon. Friend. With respect to the sneer which had been levelled at him on the assumption that he had been a candidate for the office—he treated it with scorn, for there was no foundation for the assumption. He also thought he had a right to complain of the use which the noble Lord the Chief Secretary for Ireland had made of private letters relating to another subject. It was the first time he had heard in an Assembly of Gentlemen that such a use could be made of such documents, and all he could say was that it would teach him a

lesson as to the way in which he should write to the noble Lord for the future.

MR. BAGWELL concurred in the statement that the hon. and gallant Gentleman who had been appointed Lord Lieutenant of Clare was respected by all parties in that county; and he believed that the meeting referred to by the right hon. and learned Gentleman was a hole-and-corner meeting, attended by very few magistrates, and it was held in the Grand Jury room, which was a private room.

SIR JOHN GRAY said, much stress had been laid on what was called "expression of opinion" from the Clare people. He would confine his observations altogether to that one point, which he thought it was important for the House fully to understand before it went to a division. His right hon. and learned Friend the Mover of the Resolution said, with great unction, that the magistrates had met and protested, but the great demonstration of opinion was the protest of the 69. That ominous figure, 69, was held before their eyes three times in the opening speech, and it was so important, in the view of his right hon. and learned Friend, that he referred to it again in tones of triumph when winding up his observations. Now, the point he was anxious to unravel was, where did this protest come from? Whence did it emanate? Was it from the county of Clare, or was it from that House? His right hon. and learned Friend (Sir Colman O'Loughlen) said he was not a candidate for the Lieutenancy. Every hon. Member present accepted his word for that, and those who knew the details of the case knew he was not a candidate. They also knew that there were three candidates. The hon. and gallant Colonel opposite (Colonel Vandeleur), who, if his party were in, ought to be considered with favour; his hon. and gallant Friend the Member for Ennis (Mr. Stacpoole) was the second candidate, and he made good running; and a gallant Colonel, Francis Macnamara, was the third. There were three colonels and a captain, besides the "favourite," as the right hon. and learned Member for Clare called the hon. and gallant Colonel (Colonel White) who obtained the appointment. Now, these 69 names were the result, not of what was amusingly called the "spontaneous" expression of opinion of the people of

Sir Colman O'Loughlen

Clare, but of the earnest canvass of the three defeated candidates. ["No, no!"] He said "Yes!" and he held in his hand the circular issued from London by two of the candidates, inclosing the London Protest, and asking that, being stamped in Clare, it be sent to the third defeated aspirant, to be called in that House "The Clare Protest" against the appointment of Colonel White.

"[Private.]

"London, April 27, 1872.

"SIR—Sir Colman O'Loughlen having, in deference to the feelings that exist in the county on the subject, given notice of bringing before the House of Commons, on the 7th of May, the appointment of Colonel the Hon. Charles White to its Lieutenancy, it has been deemed advisable that there should be a written expression of opinion on the matter from the deputy lieutenants and magistrates of Clare. We enclose a form of protest which, if you approve of, we will thank you to sign and forward, as soon as possible, either to Sir Colman O'Loughlen or Colonel Vandeleur, House of Commons, London.

"Signed—FRANCIS MACNAMARA, D.L.,
WM. STACPOOLE, M.P."

The House would, he thought, now understand how Clare opinion was manufactured in London, and the weight to be attached to the jealousy, not of a mortified county, but of the disappointed competitors.

Question put.

The House *divided*:—Ayes 41; Noes 257: Majority 216.

EDUCATION—RIPON GRAMMAR SCHOOL.

MOTION FOR AN ADDRESS.

Motion made, and Question proposed,

"That an humble Address be presented to Her Majesty, praying Her Majesty that, in so much as the Scheme of the Endowed Schools Commissioners with reference to the Free Grammar School at Ripon, Yorkshire, would deprive the poor of that city and its neighbourhood of the facilities of obtaining an education, almost free, now possessed by all classes in that city and its neighbourhood, She will therefore be pleased to withhold Her consent from the said Scheme."—*(Mr. Wheelhouse.)*

MR. ASSHETON seconded the Motion.

MR. W. E. FORSTER defended the scheme proposed by the Endowed Schools Commissioners, which had been assented to by the House, and said that no better proof could be afforded of the excellence of their scheme than the very school

which the hon. Member had brought under the consideration of the House.

MR. NEWDEGATE supported the Motion. He had no doubt that if they gave the right hon. Gentleman (Mr. W. E. Forster) a certain amount of money he would apply it with great ability; but the question was, whether there was justice in the policy which obtained these funds? There was a great difference in the theory and in the application of a statute. He understood the present theory of education to be this—that the poor were to be educated in what are called elementary schools; the inhabitants of the district were to be rated to provide elementary education for the poorer classes, and the poor were to be rated for that purpose; whilst the education, which under these old endowments they had free, or by a trifling payment, would be taken away from them, in order to facilitate the education of the class above them—a class much better able to provide education for themselves. Such a policy as that was, in his opinion, destined to create division between the middle and lower classes; and the inevitable result must be that they would virtually keep down the lower class from rising by means of the education which the founders of these schools provided for them. That was a most singular exhibition of the democratic principle. They were going to create a second-class aristocracy at the expense of the poor.

MR. PARKER said, the object of the scheme was to give a higher kind of education to the poor.

MR. FAWCETT objected to discussing the scheme of the Commissioners at such a late hour, and moved the adjournment of the debate.

THE ATTORNEY GENERAL remarked that the result of adjourning the discussion would be to give effect to the scheme, as the time specified by the Act for objecting to it would have elapsed.

MR. NEWDEGATE said, he had pointed out that when the Public Schools Act was under discussion in that House it would render the provision, especially in regard to the Endowed Schools Act, a perfect farce; for they all knew that whatever might be the demerits of a scheme, if it could only be brought under the attention of that House by a Motion towards the end of the Session, it would be impossible in that House to deal with

it; unless, therefore, they required in both these Acts—the Public Schools Act and the Endowed Schools Act—an Amendment to the effect that these schemes should always be presented at the beginning of the Session, the provision for bringing them under the consideration of that House might easily be defeated—nay, would almost always be defeated.

Motion made, and Question put, "That the Debate be now adjourned."—(*Mr. Fawcett.*)

The House *divided*:—Ayes 26; Noes 84: Majority 58.

Original Question put.

The House *divided*:—Ayes 19; Noes 84: Majority 65.

TRAMWAYS PROVISIONAL ORDERS CONFIRMATION (NO. 4) BILL.

On Motion of Mr. ARTHUR PEEL, Bill to confirm certain Provisional Orders made by the Board of Trade under "The Tramways Act, 1870," relating to Bristol (Corporation), Bristol and Eastern District, Hull, Leamington and Warwick, Norwich and Taverham, Southport, Stirling and Bridge of Allan, and Tynemouth, ordered to be brought in by Mr. ARTHUR PEEL and Mr. CHICHESTER FORTESCUE.

IRISH CHURCH ACT AMENDMENT BILL.

(*Lords.*)—[Bill 87.]

(*Mr. Attorney General for Ireland.*)

THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at half
after Two o'clock.

HOUSE OF COMMONS,

*Wednesday, 8th May, 1872.*MINUTES.] — SELECT COMMITTEE — *Report* — Letters Patent [No. 193].PUBLIC BILLS — *Ordered* — *First Reading* — Imprisonment for Debt Abolition* [156]; Criminal Law Amendment Act (1871) Amendment* [157].*First Reading* — Tramways Provisional Orders Confirmation (No. 4)* [155].*Second Reading* — Permissive Prohibitory Liquor [3], *debate adjourned*; Consolidated Fund (£6,000,000).**Committee* — *Report* — Municipal Officers Superannuation* [64-164].

PARLIAMENT—ASCENSION DAY.

COMMITTEES.

Motion made, and Question proposed, "That no Committees have leave to sit To-morrow, being Ascension Day, until Two of the clock."—(*Mr. Glyn.*)

MR. BOUVERIE said, he did not intend to oppose the Motion, but wished to give Notice that he should feel it his duty to take the sense of the House on the subject next year. The practice to which the Motion had reference was of quite modern introduction, and inflicted great hardship on the promoters of Private Bills. He believed it was originally proposed by the noble Lord the Member for North Leicestershire (Lord John Manners), and that it was accepted by the right hon. Gentleman now at the head of the Government, who, on the occasion in question, was the Leader of the House when Lord Russell was Minister. Ever since that time it had become a sort of rule that Committees should not sit till 2 o'clock on Ascension Day; but he ventured to say that not one of the officials of the House, or of the counsel, witnesses, agents, or other persons interested in Private Bills, would go to church to-morrow, and consequently the two hours allowed them for that purpose would be lost. Moreover, he found that two of the Select Committees were investigating Bills of considerable importance relating to Scotland; and, of course, the numerous witnesses who had been brought from that country did not think it at all necessary to go to church on Ascension Day. He

would further remind the House that the practical result of Committees not sitting till 2 o'clock on that day was to impose fines amounting altogether to perhaps £2,000 or £3,000 on parties promoting Private Bills, for the counsel, agents, and witnesses had, of course, to be paid just as much as for an ordinary day, although the Committees sat for only two hours. That, he ventured to assert, was unjust and wrong. Not having given Notice, he should not propose to take the sense of the House on the subject; but another year he should take the liberty of dividing the House, with the view of protesting against the imposition of so heavy a fine on parties promoting Private Bills.

Question put.

The House *divided*:—Ayes 47; Noes 52: Majority 5.

PERMISSIVE PROHIBITORY LIQUOR
BILL.—[BILL 3.]

(*Sir Wilfrid Lawson, Lord Claud Hamilton, Sir Thomas Bazley, Mr. Downing, Sir John Hamner, Mr. Miller, Mr. Dalway.*)

SECOND READING.

Order for Second Reading read.

SIR WILFRID LAWSON, in rising to move "That the Bill be now read a second time," said, that although he might in the course of his speech say many disagreeable things, yet he thought few hon. Members would disagree with him when he said that the question of the liquor traffic had become the irrepressible question of British politics; and not only so in that country, but that it was, indeed, becoming a great question wherever the English language was spoken—in the United States and in our colonies. The question was also beginning to excite interest even in France, where the other day a debate arose in the National Assembly, respecting how far they should carry a law for putting down drunkenness in that country. It appeared to him, in fact, that in all countries where there was any considerable amount of intelligence and knowledge among the people the question was being discussed as to how far law should be made available for the purpose of checking the evil of drunkenness. He should, not, however, dilate upon those evils, for after the recent debate on the

Bill introduced by the hon. Baronet the Member for West Essex (Sir Henry Selwin-Ibbetson), he took it for granted that all hon. Members admitted drunkenness to be a great evil, and differed only as to the proper means of preventing it. Whether the evil were increasing or decreasing was a matter of considerable ambiguity and uncertainty, and he should not make any statement to the House in favour of one point or the other, but would mention that a pamphlet entitled *The Case against the United Kingdom Alliance and the Permissive Bill* stated that all the evidence obtainable from the judicial statistics went to show that drunkenness was not on the increase in the country at large; that, on the whole, it had a tendency to diminish; and that in many places, and more especially in the metropolis, it had materially declined. On reading that passage, he lost no time in referring to the judicial statistics, which showed that the number of persons charged with being drunk and disorderly had greatly increased. It was 93,000 in 1863, gradually increasing to 131,000 in 1870, and last year, according to the Returns made up to October, it had increased to 142,000. He did not know whether, after all, these figures proved very much, but as their opponents had based their case upon those statistics, he thought it right to bring them under the notice of the House. Again, the Return which had been moved for by the hon. Member for Halifax (Mr. Akroyd) showed that the apprehensions for drunkenness in England and Wales amounted to 1 in every 132 of the population. But they were told that, at any rate, things were improving, and that the case of Liverpool was one in point. Well, so be it; they were quite bad enough in any case. But even with regard to that town, what did they find? Why, that in 1841 the convictions for drunkenness bore the proportion of 1 to every 18 of the population, and in 1869 the proportion of 1 to every 23. Thereupon, Mr. S. G. Rathbone, speaking at a meeting in February last, said—

"The conclusion he had come to was, that not only in Liverpool, but throughout the whole country, the vice of drunkenness was rapidly decreasing among them."

Did hon. Members know that of late a new system had been adopted in Liverpool, on Mr. Robertson Gladstone's sug-

gestion, and that on every Tuesday there was a drunken *Gazette* published, in which was printed the name of every person convicted of drunkenness on the Monday morning? The number so printed on January 22 was 135, and on April 30 they had fallen to 92. Those were the facts concerning Liverpool, which was held up to them as an improving town; but let them look at Manchester, where the convictions for drunkenness in 1860 were something over 2,000; whereas in 1871 they had increased to 10,000. The pamphlet before referred to accounted in the following way for this increase:—

"Undoubtedly the chief reason is the extraordinary activity of the police, and the peculiar influence brought to bear upon the magistrates. . . . Harassed by these emissaries (Good Templars, teetotal spies, and adherents of the Alliance), the Manchester constables arrest scores and scores of inoffensive inebriates, who in any other town in the kingdom would be allowed to go quietly home."

So that, according to that statement of the publican party themselves, there was abounding drunkenness in most of their large towns, if the police would only look out closely for it. Nobody, however, who had paid any attention to this question could doubt the interest which was taken in it by the great mass of the community. He would not lay any great stress upon the number of Petitions presented in favour of this Bill as a proof that that was the case, because it no doubt would be said that these Petitions were got up. Well, of course they were got up; but they were got up by persons who took an interest in the matter, and he, for one, had never heard of Petitions being collected in any other way. And to his mind the spectacle of working men devoting a large portion of their leisure moments to collecting signatures to Petitions in favour of something designed to promote not their own but their neighbour's welfare had something touching in it, and was not deserving of ridicule. But great interest had been shown during the recent Parliamentary elections, and the action of the publicans at those elections, and the undoubted success of which they boasted, tended to prove that the question was daily becoming more and more one between the public and the publican. Another proof of the interest taken in the subject by the people throughout the country was the fact that at the present moment

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there were no less than six Bills professing to deal in one way or another with the liquor traffic before Parliament; and, in addition, a Committee sitting upstairs, which, while not intending to recommend any extension of legislation with regard to the facilities for procuring licenses, were designed to deal with the evils resulting from that system. The Committee he spoke of, in fact, dealt with the "finished article;" and as they had victims of that abominable traffic, and as it was necessary to put them somewhere, it was proposed to furnish additional receptacles for those poor misguided creatures, there being absolutely no room available in the existing gaols, workhouses, and asylums of the country. Well, then, so far as these Bills tended to lessen the facilities for procuring drink—and two of them did so absolutely, during the whole of Sunday in England and Ireland respectively, because Sunday was the day of greatest temptation to the working man to spend the money which ought to be expended on his wife and family—so far, at least, they were good and worthy of support. But *The Scotsman*, the other day, speaking on the subject, said—

"The legitimate issue of all proposals to limit public-houses on philanthropic grounds is their complete extinction. Sir Wilfrid Lawson, therefore, is the logical conclusion of Sir Robert Anstruther and Sir Henry Selwin-Ibbetson."

He was very glad that it had been found, at last, that he was a logical conclusion, for, in the conclusion intended, he thought it proved a great deal in favour of the course of dealing with the subject he put forward. But it would be as well if they looked to what their opponents said further on this question. The great leader of their opponents, the hon. Member for Derby (Mr. M. T. Bass), speaking at the Derby Licensed Victuallers' dinner in November, 1871, said—

"He was the child of the licensed victuallers of the country, and to them he owed the fortune he had acquired, and was still through them able to maintain."

The hon. Gentleman added—

"People in authority asked them what they suggested? He had nothing to suggest. Let things go on as they were."

Thus hon. Members could see that there was one party whose efforts were directed to obtaining some diminution in the drunkenness which was so prevalent, and that there was another party who

Sir Wilfrid Lawson

were in favour of nothing being done. He did not wish to disguise from hon. Members the consequences of voting for his Bill. Hon. Members would, no doubt, support him at their peril, because they would be marked by the great party interested in the continuation of this traffic for political destruction. He desired it to be clearly understood that he did not bring in this Bill as a rival to any of the other schemes before the House. Indeed, he regarded it simply as supplementary to the Bills of his hon. Friends the Members for Fife-shire and West Essex. Scotland possessed already a good licensing law, dealing, among other things, with Sunday closing, yet the people were not satisfied, and demanded further legislation. Sunday closing was popular in Scotland. ["No, no!"] An hon. Member says "No;" but he (Sir Wilfrid Lawson) said it was so popular that no Scotch Member dared vote for its repeal. The opposition which his Bill encountered in that House was almost confined to England, because, on the last occasion, if the second reading had been left to the Members of Ireland, Scotland, and Wales, there would have been a majority of two to one in favour of the measure. The present law he might describe as a Maine Law, with exceptions. No man could engage in the liquor traffic without a license from the magistrates, and in granting this license the magistrates had to consider three questions—the fitness of the applicant, the fitness of his premises, and the wants of the neighbourhood. With the first two points he did not propose in any way to interfere; but by his Bill it was intended to give to the inhabitants themselves the power of stating what their wants really were. He did not wish at that time to make any reflections whatever upon their conduct; but there could be no doubt that, however well-intentioned the efforts of the magistrates were generally, they occasionally failed, and failed lamentably, to exactly meet the requirements of certain districts. No one could contend, for instance, that the requirements of the neighbourhood justified the licensing in Scotland Road, Liverpool, of one in every five houses as a gin-shop. Again, to show that the conduct of the magistrates could not be invariably relied upon, he might take the case of one of the lowest neighbourhoods in London,

where Mrs. Bailey, a lady well-known for her benevolence, established a working men's club. That club soon began to make an improvement in the habits of the residents of the neighbourhood to the detriment of the profits of the publicans, who, becoming alarmed, an application for a license to a house close by was made. The license was strongly remonstrated against by the working men in the neighbourhood; but although the magistrates listened to the remonstrances once or twice, they ultimately decided to consent to the establishment of a drink shop close to the club. Could it be contended that he was wrong in wishing that the decision in such a case should be determined, not by the magistrates but by the memorialists, by those who knew their own wants and temptations best? Although objected to on account of the permissive nature of its intended legislation, there was nothing new in the doctrine embodied in his Bill, because not only was the whole of the traffic at present permissive, but they had permissive Acts always in operation for the promotion of public health, sanitary improvement, education by the opening of free libraries, and recreation by the opening of public parks. If they gave power to the majority in all those instances, why should they not equally do so in regard to the licensing system, and so get rid of all the drunkenness, and its accompanying train—sickness, squalor, dirt, and hunger which surrounded them? He was not, however, bigoted in his attachment to this Bill, and he was willing to support any Bill or any clause which contained the vetoing principle for which he contended, and if the hon. Member for Derby would only change his policy and bring in such a Bill, he would give his hearty support to his hon. Friend's measure, or he would be perfectly willing to insert the clause in the Bill of his hon. Friend (Sir Henry Selwin-Ibbetson) if he would accept it. In fact, he would give his countenance to any Bill which would give that veto power, and he might further state he should make a point of moving it in any Bill which came under the consideration of the House. In favour of that line of conduct he would state that it was only the other day that the Legislature of New Zealand had carried unanimously a Bill restricting the liquor traffic, and giving at the same time to the people this power of veto.

He felt bound to vindicate his Bill from the charge of being an extreme measure, for it was quite the reverse, being in reality one of the most moderate measures ever introduced. Clause 93 of the Bill of his hon. Friend the Member for Fifeshire provided that—

"Houses of persons licensed to sell intoxicating liquors to be consumed on the premises" (elsewhere than four miles from St. Paul's) "shall be closed between 10 at night and 7 in the morning. But the licensing board of every district shall have full power and authority to order the closing of all such houses at any other earlier hour when requested by a memorial signed by a majority of two-thirds of the ratepayers of the district."

According to that legislation, if the feeling of the board was prohibitory, they could do what he by his Bill wished to do—practically put an end to the traffic, for they could order that any or all houses should close five minutes after opening. He thought that was so from what his hon. Friend (Sir Robert Anstruther), speaking at St. James's Hall in November last, said—

"The Permissive Bill, if it passed, would not take effect except in places where two-thirds of the ratepayers were found to vote in favour of bringing it into action. What they really wanted was a far more radical measure than the Permissive Bill; they wanted to see the issue as well as the regulation of the licenses put in the hands of the people themselves."

His hon. Friend the Member for Plymouth (Mr. Morrison), speaking on the same occasion, expressed similar opinions—

"We, of the Association, want to get some means into operation which will deal with the evil at once. I think if the Permissive Bill were carried into law, it might perhaps be brought into operation in some localities, but, how long would it be, I ask you, before you could convert such towns as Liverpool and London, and other large towns where the evil is at the greatest? But we go fully with the Alliance, on the point of the people having full control of the issue of licenses."

The passages which he had quoted would, he thought, be sufficient to show that his Bill was in no way an extreme measure. While striving in the same direction as his hon. Friend the Member for Fifeshire, to give effect to the veto of the majority, so that they might be protected from the evils of the liquor traffic, he believed his own plan to be more simple and more easy than that introduced by his hon. Friend. With regard to the opinion of America, the President-elect, Mr. Horace Greeley, speaking on this question, said—

"Our State should have a law requiring the people of each city and township to vote 'license' or 'no license' at each municipal election, and forbidding the traffic whenever and wherever any city or township had voted no license, until they at a subsequent election shall have reversed that decision. We could then determine the effect of either policy on the morals and prosperity of communities. If men drink more and rush to ruin faster because of prohibition, that fact would be made manifest by the increase of pauperism and crime when the liquor traffic was forbidden. Why should not all consent to give this experiment a fair deliberate trial?"

All that he now asked the House to do was to give his proposal a fair trial throughout the United Kingdom, and he asked that with the more confidence because he knew that wherever the experiment had been tried it had proved signally successful. [Mr. GOLDSMID: No, no!] He trusted his hon. Friend would specify some particular instance where the principle of determining this question by the voice of the majority of the inhabitants of a district had failed. [An hon. MEMBER: In America.] He repeated that where it had been decided upon and enforced by a large majority of the people it had not failed. That was his point. It was all very well to speak vaguely about America, or for his hon. Friend to get up and refer to the State of Maine; but his hon. Friend would have to quote chapter and verse, because he had in his pocket an abstract of all the American laws dealing with the subject. He would, however, tell his hon. Friend, that in the State of Maine it had been a great success; and, if so, surely in this country, where they had such a network of police representing the machinery requisite to carry out the law, it would succeed more than it had in the State of Maine. There could be no doubt of the advantages which had resulted to districts in England where benevolent landlords had removed from the inhabitants the temptations which stood in their way; but the removal of such temptations ought to be within the power of the inhabitants themselves if they desired it. From Scotland there was equally satisfactory testimony in its favour, while from Ireland the evidence was perfectly overwhelming as regarded its beneficent effect, so much so, that *The Times* admitted that if the statements were true—which they undoubtedly were—they entirely settled the question. He would, however, give a further proof how much

Sir Wilfrid Lawson

legislation on the subject, as devised by his Bill, was required, in an abuse of the present system lately brought under his notice. The facts of the case showed that in a village in Lanarkshire containing a population of about 250 there was no public-house. In 1869 an application was made for a license. A petition against the granting of the license, signed by every male inhabitant but four, was presented to the justices, but they treated the inhabitants with contempt, and thrust the public-house upon them. He thought it was undesirable that any such petition should be so treated, and had his Bill been in operation it would have prevented it. And not only that, but they should consider the situation of the many other places—which there undoubtedly were—who like this village in Lanarkshire were entirely opposed to these drink shops, in deciding upon the merits of the question. He was sorry he had kept the House so long; and, in conclusion, would treat of the objections against the Bill which he supposed he should have to meet, and which he thought would prove to be of the same nature as those he had heard before. One of the objections against this Bill would probably be that it was going against public opinion. But that he denied, for the principle was the one upon which the Bill itself was almost exclusively founded. It could not, indeed, be carried into effect without the aid of public opinion. Another argument was that it would have no effect except in districts where its operation could be dispensed with, but that he believed to be a delusion, for, in his opinion, the existence of such a power as that embodied in the Bill would act as a source of terror to evildoers. Again, they were told that the present law if put in force was strong enough for every purpose required. If that were so, why had the Government brought in a Bill to deal with this subject? The Earl of Kimberley, in introducing that measure, had referred to the case of Luton; but it was only the other day that a magistrate of that division, writing about the state of the neighbourhood, said—

"I believe not one in 50 of the convicted drunkards in our county are from the habitual criminal class. They are, as a rule, from the artizan and labouring classes, who frequent the respectable drink shops, where, now that wages are high and work plentiful, they indulge in this dreadful habit to a greater extent than ever."

From that it would be seen that it was not in the low public-houses that all the tippling was carried on, but that a great, if not the greater part of it was from the respectable houses. Another argument was, that the progress of education under the new step which had been initiated, would gradually eradicate drunkenness from the land; and that being so, there was no necessity for the kind of legislation he proposed. But he would say that it would be a very long time, indeed, before an end would be put to the existence of that necessity; and while he would at once admit that they need not trouble about such legislation when the people were thoroughly educated and trained to act rightly; yet he thought it was an irresistible argument in his favour when they admitted that at that moment the country was full of people who could not resist temptation, and upon whom all agreed it was a cruel thing to force temptation upon. He would, of course, be met by what he might term the rich and poor argument; but without intending to be un-Parliamentary in his language, that argument was one which he could not help thinking savoured of cant and clap-trap. However, rather than that any difficulty should remain on that score, he would accept in Committee a clause proposing the disfranchisement of any person paying rates above a certain amount, and so leave the question as to whether this Bill should come into operation to the decision of the poorer inhabitants alone. Moreover, the Petitions which flowed in from the country in favour of the Bill did not, as a rule, bear the signatures of persons in a superior class of life, and it therefore seemed to him that they should be allowed to remove the temptations which laid in their path; but it was the most refined and educated Assembly possibly in the world which said that those temptations should remain, and that, he thought, was wrong. He thanked the House most earnestly for listening so patiently to his well-worn arguments, on a question which, however popular out-of-doors, was not very popular there, and would appeal to both sides of the House for support to the measure. He appealed for support to his Friends on that side of the House as the advocates of local self-government, and he also appealed for support to hon. Members on the other side of the House, who

were essentially the friends of order. Lately, also, they had said—and said well—that the public health was to be the object of their supreme efforts. But he would not put this question on party grounds; and, therefore, more confidently did he appeal to those on both sides of this House, who, refusing to be the blind servants of party, still more disclaiming to be the slaves of one powerful, wealthy, and tyrannical vested interest, found the true charm and noblest object of political life in protecting the weak, in helping those who were desolate and oppressed, and in doing what in them lay to raise the general level of national prosperity, happiness, and virtue. The hon. Baronet concluded by moving the second reading of the Bill.

Mr. CARTER seconded the Motion.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Sir Wilfrid Lawson.*)

Mr. WHEELHOUSE, in rising to move—"That the Bill be read a second time that day six months," said, he hoped the House would concur in his Motion; and, indeed, he trusted that the time would never come when it would be read a second time in that House. He knew, as well as the hon. Baronet, that the arguments on both sides of the question had been stated so frequently, both in that House and elsewhere, that they were thoroughly and completely—to use a common phrase—"thrashed out." But the hon. Baronet had thought it necessary to state at great length the grounds on which he asked the House to assent to the principle of the Bill, and it therefore became his (Mr. Wheelhouse's) duty—though he hoped he should not detain the House so long—to explain his reasons for moving the rejection of the Bill. The hon. Baronet had told them that his Bill was the logical sequence of the Bills of the hon. Member for Fifeshire (Sir Robert Anstruther) and the hon. Baronet below the gangway (Sir Henry Selwin-Ibbetson). He (Mr. Wheelhouse) contended, on the contrary, that this was a Bill which stood alone, and had no resemblance in principle to any Bill which had been brought forward on the subject, either by the Government or by private Members; and that the hon. Baronet wanted the House of Commons to enact a Bill which did not in any

degree represent public opinion, but which, if passed, would give certain persons called ratepayers in boroughs and parishes power to meet and determine whether licenses should be granted or not—so that persons must become ratepayers in boroughs or parishes before they could have a voice in the matter, and give a vote. He (Mr. Wheelhouse) said that was not fair. There were many persons in both boroughs and parishes who were not ratepayers, but whose convenience and comfort would be seriously interfered with by a meddlesome and intolerant clique bent upon carrying out their own crotchets. After the ratepayers had met in some small back room belonging to the Alliance or *The British Workman*, in a borough or parish where there happened to be a teetotal mayor or churchwarden, and found they had the requisite majority of two-thirds of the few ratepayers present, they would have taken the initiative step towards closing the licensed houses in their locality. Notices were to be posted on the doors of the town halls in boroughs where there were town halls, and in the parishes where there were none, and where they would be displayed he could not tell; but it was clear that the notices might be so arranged in connection with a little hole-and-corner meeting that the public opinion might never have been heard at all, and nobody know anything about the matter except the small compact and zealous body who could be reached and set in motion by the agents of the Permissive Bill advocates, who would be the real movers in the matter. The hon. Baronet (Sir Wilfrid Lawson) had pointed with exultation to the rows upon rows of Petitions which had been sent up to the House in favour of the Bill, and to the large number of signatures which were attached to those Petitions. But what did these Petitions really mean? Did it mean that they really represented public opinion? Not at all. It meant simply that the organization which promoted this Bill had a great number of very active secretaries, the payment of whose salaries depended upon the success which attended their going about with sheets of paper and getting signatures wherever and however they could. Let that statement be denied if it could be. Everybody who knew anything of the facts knew that those Petitions were all

Mr. Wheelhouse

nonsense so far as they professed to represent a real and genuine opinion upon this question. The hon. Baronet told them that those Petitions were not sent by the rich, but by poor people. That was very true, because the persons who had charge of the sheets did not go to gentlemen whom they knew would refuse to sign. No doubt there were a few weak-minded, capricious, or crotchety people belonging to the educated classes who might be induced to do so; but the agents went about with these sheets and got the signatures of children, women, and persons who were ready to sign anything, whether they understood it or not; and then, when a number of separate sheets had been filled up in this way, they were pasted together, though coming from different localities, a gentleman of some position in favour of the principle was got to head the list with his name, and in this way a very imposing Petition was got up and sent to that House. That accounted for the Petitions said to be signed by 20,000 or 25,000 persons which had been presented. As to the astounding number of 47,000 said to be attached to the Sheffield Petition, he knew Sheffield and the West Riding well, and to say that any such number of signatures could be honestly and fairly got in Sheffield was to tell him what he did not and could not credit. The hon. Baronet said these Petitions represented public opinion. He (Mr. Wheelhouse), on the contrary, said that if they were closely scrutinized and the signatures carefully verified they would be found to be not worth the paper on which they were written. It was said that question was one between the public and the publican. He (Mr. Wheelhouse) thought that it might rather be described as a question between the publican and the pump. Let them get at public opinion really, and it would be found that the Bill was directly contrary to the feelings and wishes of the country at large. Before, however, passing a Permissive Bill in that House, let them set the working classes an example in their own persons. There was a refreshment-bar in the lobby established expressly to supply the Members of the House with needful refreshment, and perhaps many Members who intended to vote for the Permissive Bill might strengthen themselves for the duty by taking a glass of wine before, or refresh themselves after

voting by a visit to the bar. Before they shut up the public-houses, which were the clubs of the working men, let them shut up their own clubs in Pall Mall. No doubt there were some Gentlemen water-drinkers in that House; but even they were compelled to act in accordance with public opinion and the general habits of the community, and when they invited their friends to dinner they placed before them champagne and wines of that sort, and invited them to help themselves freely, though they did not choose to partake of the wines personally. The hon. Gentleman who had charge of this Bill and his supporters might say to their friends—"Drink as much as you please, only help us to pass this Permissive Bill into law." He had no hesitation in saying that the great and overwhelming majority of the ratepayers of this country were totally opposed to such a measure as this. Then it was said that those who opposed it were in favour of beer-drinking throughout the country. Well, and what if that were so? If he (Mr. Wheelhouse) could have his claret, or champagne, or Madeira, when he liked, why should not the poor man have his beer? No doubt the poorer classes were the best customers of publicans; and why? Because they knew it was there alone they could get a good glass of fresh beer. It was not in their power to keep it in cellars at home, and those who could do so had only to produce a gallon, or half a gallon of it, for a friend 24 hours after it was there, and they would find that it was not drinkable. The promoters of this Bill said—"It does not affect us; we may have barrels or flagons of beer in our own cellars, and no one can hinder us from partaking of it when we choose; but we will prevent the poor man spending his three-half-pence or two pence for a pint of good beer in a public-house, lest, forsooth! he should be demoralized." That was not fair or just. It was not only not fair nor just, but gross class legislation against the poorer classes of this country, which he trusted that House would never sanction. Then, said the friends of the Bill—"Why don't you allow the majority of ratepayers to decide the question in every district?" Certainly, he should be ready to do so; but who were the majority? In one district a body of people might be found who would not allow a public-house to

be within it; but adjoining it, another body, holding contrary opinions, permitted them; and the consequence would be that the locality must become flooded with public-houses. That was neither fair nor just nor politic. Ratepayers holding the opinions of the hon. Baronet would not permit any public-house within their district; but outside this Arcadia or Alsatia as many might exist as circumstances would render necessary, and there not only would the public of the neighbourhood, but many of the dwellers in Arcadia itself go and have their beer. And why should they not? If the hon. Baronet had the right to stop his beer, why should not he (Mr. Wheelhouse) have the right to stop his beef? If a man who drank his beer suffered for it, so did a man who ate too much. The whole question was one of a social and domestic description, and they had no right, by any legislation, to interfere with the freedom of the people; and he was quite sure that even if it were carried, no portion of this Permissive Bill would ever be carried out, or any attempt made to carry it out, in any part of this country. He believed, also, that that House would never consent to pass such a measure. Now they had heard a great deal of talk about the United States of America, and especially of the State of Maine. But, it was notorious to everyone who knew that part of the world, that what was called the "Maine Liquor Law" had failed miserably. The effect of it was—as indeed it would be in all similar cases—that when people did not or could not get a glass of beer in public, they would have it—aye, and treble the quantity—in private. Was it not better that men should do everything openly and above board, so that all their neighbours could know what they did, than go and drink in shops which were illicit and illegitimate, and which were always sure to exist in localities where stringent measures of this description were adopted? Was it not true that it was found necessary to appoint corps of Excise officers to prevent the open violation of the Excise laws in many parts of the country. And if that House came to the conclusion that there should be no open public-houses, they might depend upon it that five or six of those illicit shops would spring up in their stead. The hon. Member for Carlisle might differ from that opinion; but his (Mr.

Wheelhouse's) honest belief was that they had no right whatever to prohibit one class of the people from eating or drinking what they chose, and that being so, he asked the House to reject the Bill.

MR. GOLDSMID, in seconding the Amendment, said, he must protest against the assertion that every one who opposed this Bill was subservient to what the hon. Baronet called the interest of the publican. [Sir WILFRID LAWSON denied that he had said so.] The hon. Baronet had just said that this Bill "was not to be laughed at by those who were in the interests of the publicans," and that "the fight was to be between the public and the publicans," and the only logical deduction from these words was, that all those who opposed his Bill were acting in the interest of publicans. Now he (Mr. Goldsmid) had no interest in upholding public-houses; but on behalf of the public, he opposed the hon. Baronet's Bill, and he believed the great majority of the people of this country were equally opposed to the measure. Two or three Members of Parliament, he regretted to see, had gone wandering about the country in the capacity of itinerant lecturers on teetotalism, and followed the same course as the hon. Baronet ventured upon in the House. For example the other day a meeting was held at Exeter in support of this Bill; and some persons who objected to the Bill having obtained admission wished to discuss the resolutions submitted to it, certainly in an adverse sense. On finding that these persons disapproved the Bill, the chairman stigmatized them as drunkards, and men favouring drunkenness, and refused to hear them. Now, these were mistaken tactics. He could tell the hon. Baronet and his supporters that those who opposed his Bill were as hostile to drunkenness as he could be himself, and it was not by such abuse of those who differed from him, or by such ridiculous legislation as this Bill proposed, that they could accomplish their object. He told them last year on the Sunday Trading Bill, and he told them now on this Permissive Prohibitory Liquor Bill, that they could not make men sober, religious, or well conducted by Act of Parliament. Much had been said of the example of the United States and of the working of the Maine Liquor Law. Well, there were Members of that House who had gone to the United States for the

express purpose of observing the working of the Maine Liquor Law, and he believed they were about to inform the House that they found it utterly futile, and intended to vote against this Bill. The hon. Member for Leeds (Mr. Wheelhouse) had pointed out that wherever they prevented drinking in public they facilitated it in private. Now, he (Mr. Goldsmid) said that if drinking in public was a bad thing, there was one thing that was worse, and that was private drinking, for the man who got drunk by drinking in public would, in all probability, be prevented from drinking the rest of the day through, and would most likely get sober again before the day was over; whereas the man who got drunk in private would go on drinking to the end of the day. It was better that public drinking should become private sobriety by the man being locked up, through the assistance of the police, than that private drunkenness should remain private drunkenness, as it assuredly would, to the end of the chapter. In Scotland there were certain laws in force with respect to drinking. Now, he had himself learnt that there were more men in Scotland drunk on Sunday than on any other day. When he inquired the reason, he found that though drinking was not allowed in public, there was a good deal of it in private; and it was believed there was more Sunday drinking in Glasgow, and a few other large Scotch towns, in private, than in all England put together. The principle of the Bill was thus seen to be entirely a mistaken one. But there was another, and, as he (Mr. Goldsmid) thought, fatal objection to the proposal of the hon. Baronet. He wanted to know on what principle the hon. Baronet proceeded when he said that two-thirds of the ratepayers should have the power of preventing the remaining third of the ratepayers and all the rest of the population from doing that which, in itself, was perfectly harmless? He knew himself that when, after any arduous exertion, the nervous system was exhausted, a glass of beer was a wholesome and proper stimulant; and he appealed to any hon. Member who had had occasion to consult a medical man whether he had not been told that a certain amount of stimulus was necessary for the restoration of the nervous system? That being so, he contended that

it was nothing but tyranny to say that a minority, however small, should not have the articles of food or of drink to which they were entitled. It was the most tyrannical legislation—especially as regarded the working classes—that had ever been brought into that House. That the measure was opposed to the feeling of the country was shown, notwithstanding the enormous mass of got-up Petitions, by the very little way it made in the House. It was shown, too, by the Resolution which the Society formed to promote this legislation had passed on the previous day, and the declaration that if they got a smaller number of votes for this Bill they would thereby be encouraged to make still greater exertions, while if they got a larger number of votes they would take it to be a proof that the feeling of the country was in their favour. Under any circumstances, therefore, they would be equally well satisfied with the division, and he hoped the House would gratify them by giving them a smaller number of votes. He knew that last year many hon. Members voted for the Bill, not because they approved of it, but merely as a protest against nothing being done on the licensing question by Her Majesty's Government. Well, this year the Government had shown much earnestness in their effort to deal with it—though he did not know whether they would be able to pass their Bill. It was a Bill for the regulation of the sale of liquors. Now, it was very necessary to have proper regulations for the conduct of every trade, and especially of such a trade as this; but why there should be prohibitory legislation neither the hon. Baronet, nor any of his supporters, had yet succeeded in showing. The hon. Baronet had no right to come there year after year, wearying the House with his oft-repeated arguments in favour of this wretched Bill. The opponents of the Bill, as he had said before, were not in favour of drunkenness any more than the hon. Baronet himself was—they, the opponents of the Bill, were not the slaves of any vested interest any more than he was; but they said that as long as the country desired to preserve liberty of action they would refuse to accept the Bill which he so persistently advocated. A great majority of the country, he was satisfied, were of that opinion; and in view of that fact he trusted the House would

throw out the Bill by a larger majority than they had ever done before, and that the hon. Baronet, whose good intentions he appreciated, would gain wisdom from experience, and would not again trouble this or any future Parliament with a repetition of the Motion he had now made. He begged to second the Amendment for the rejection of the Bill.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Wheelhouse.*)

Question proposed, "That the word 'now' stand part of the Question."

Mr. MELLY observed, that he was not a member of the Alliance, and he had but small sympathy with the Maine Liquor Law; but he gave a complete and entire adherence to the principle of local self-government. He thought there should be some check upon the issue of new and the renewal of old licenses, where, in the opinion of those principally concerned, they were not required. He should support the second reading of the Bill, on the ground that it recognized the vital principle of self-government, and gave to the ratepayers a control over the indiscriminate issue of licenses. No doubt it would require much modification in Committee. Clauses giving compensation to existing public-houses when closed by local authority would have to be inserted; and on such a question the vote of all adults, whether ratepayers or not, should be taken. The hon. Gentleman who had moved the rejection of the Bill had stated that the Petitions presented in its favour had not been signed by a single gentleman, and that the signatures attached to them were mainly those of women and children. He (*Mr. Melly*) could only say that a Petition had been presented from Liverpool in favour of the measure, which was signed by 116 ministers, 213 physicians and surgeons, 329 gentlemen, 353 merchants, and 384 schoolmasters, and another Petition had been signed by 679 ministers of religion residing in the metropolis. It had been charged against those Members of Parliament who supported the Bill that during the Recess they had gone about the country endeavouring to stir up the people on this subject, and to get up an agitation in favour of the Bill. But had not a similar course been adopted during the great Free Trade campaigns

of Cobden and Bright? It was a new doctrine that hon. Members were not to go forth and take their proper place as speakers at public meetings. Thus only by popular agitation in all time have the great monopolies of powerful classes been abrogated or controlled. He had welcomed his hon. Friends to his native town, where some 10,000 persons had assembled to hear them. Royal Dukes and noblemen often presided over public meetings called to support associations in which they were interested; but there never was an agitation more real and true than that supported by his hon. Friend the Member for Carlisle. Springing from a terrible sense of the injury done by the traffic, of homes made wretched, of widowed mothers and neglected children, of increased rates and a wasteful expenditure of wages, the movement was based upon the daily experience of all classes. It was chiefly supported by the working classes, who were most nearly interested. True, there were but few Members of Parliament who supported the movement, because they dare not; it had sprung, not from the top, but from the bottom of society, and was all the more to be respected on that account. It was a mistake to assume that there was not a Permissive Prohibitory Liquor Law in force in this country at the present time, though most unequally enforced. As a licensing magistrate of some standing he had often listened to "the requirements of the neighbourhood" argument, based on the Statute of George IV. Who was the best judge on this point? The old law said, a dozen magistrates at Quarter Sessions, whose homes, as he should shortly show, were carefully protected from contiguity with gin palaces; the new law they proposed asserted that the thousands amid whose homes it was proposed to thrust "accommodation," not required, which would depreciate their value and demoralize their inhabitants, were the best judges. The old laws contemplated Licensed Victuallers' houses—places of entertainment for man and beast, "hostels," with garrulous host, bar-parlour, newspapers, political and social chat, beds, food, as well as drink. Too many licensed houses were now simply bars for drinking, instead of inns in the old sense of the word. They gathered round them crowds of bad characters, disturbed the peace of the streets, and greatly an-

Mr. Mellor

noyed the neighbourhood. To attempt to restrict the number of such houses was no attack by the rich upon the privileges of the poor, as the hon. Member for Leeds asserted. The rich protected themselves. The principle of the Permissive Bill was already acted upon in a sort of way by landowners, who took restrictive covenants in reference to licensed houses upon their estates. In this way particular neighbourhoods were protected from the existence of public-houses and the evil of drunkenness; but there was no such protection given in the case of the poor. He had been favoured by Members of the House with copies of the leases of the great ducal estates in the metropolis. The leaseholders for 99 years were guaranteed against any public-house being established other than those already in existence. He himself held a lease for 75 years, renewable, under a rich corporation, and had the same protection. The working man, who through a building society and weekly savings of hard-earned wages had purchased his modest dwelling, might see the baker's shop at the corner of his street converted into a flaming dram-shop, certainly depreciating the value of his property, probably driving him from his home. He had no such protection. He had had occasion before, and on other points, to show that, however equal to all classes were the laws of ownership in the letter, how unequally and unjustly they too often were in the mode in which they operated. But even the Maine Liquor Law was already in operation in this country. In 1,000 parishes in the diocese of Canterbury there was no public-house. Were they the most miserable villages in their respective counties, or the most prosperous? He had shown that the owners of large property in many districts in the metropolis and in several provincial towns declined to permit public-houses to be built on their estates, and in a very large village and shipbuilding yard on the banks of one of their great rivers, the Maine Liquor Law was most strictly enforced, and it was impossible for a man employed there to get a glass of beer without going three or four miles by railway to buy it, and the result was that in that yard 20s. a-week wages was regarded by the wives of the workmen as equal to 23s. a-week in the neighbouring town, while pauperism was unknown. In a

new district near one of the large manufacturing towns in Lancashire, 400 houses had been built, and not only were no public-houses allowed, but no grocer was permitted to sell intoxicating liquors. Yet were the houses empty or the work-people discontented? The powerful steamships which sailed from Liverpool to America, India, and Australia, in a majority of cases, carried no spirits, except as doctors' stores, and the men were teetotallers for periods varying from a fortnight to six months. Did they complain or refuse to ship at the ordinary rate of wages? There were 13 steamships in which he was interested trading between China and Liverpool, in which that rule was enforced, greatly to the benefit of the men, the safety of the vessels, and the advantage of the owners. Landowners, manufacturers, and ship-owners, thus enforced temperance at their own discretion; but the opponents of the Bill said it was tyranny that a minority should be compelled by a majority. The common law allowed the absolute power of restricting licenses to every landowner. They insisted that all the occupiers should share that power, and have some direct control in a matter which affected them more nearly, and of which they were the best judges. It had been contended that they had no right to make men moral by Act of Parliament; but was not the whole tendency of penal legislation to enforce the observance of the rules of morality? What were the volumes of statutes on this subject but attempts to make men more sober by Act of Parliament? Why were there any licenses at all, or any hours of closing, or any police supervision? He was convinced that the manner in which the evil of excessive expenditure in drink, and also of drunkenness would be effectually dealt with in the first instance, would be by restricting the hours during which public-houses should be open, and by providing for a more severe police control, and the abolition, as far as practicable, of adulteration. There must be such a system of supervision established as would make it almost impossible to perpetuate those evils which at present existed to so large an extent throughout the entire British dominions, and higher penalties enforced against those who, for the sake of a miserable profit, encouraged the excessive drinking which was robbing them all of so large a portion of the na-

tional wealth. He should support every such clause in any of the Bills before the House. But he was not the less persuaded that all these measures would fail to satisfy the real desire of a vast majority of the working classes, who were chiefly interested in this question. They would never be satisfied until a clause was introduced into a Government Bill which should give to them a control over the issue of licenses—a matter which touched in so deadly a manner the sanctity of their homes, and the religion, education, and morality of their children.

MR. HENLEY said, he desired to state his reasons for voting as he was about to do. Much had been said with reference to the Petitions that had been presented to that House; but, for his own part, in view of the prolonged agitation and widely-extended organization that had been got up all over the country in connection with this subject, he was surprised that only 400,000 signatures had been attached to those Petitions—more especially seeing that most people regarded this measure rather as a simple protest against drunkenness than as an actual attempt to interfere with the existing law. He was unable, then, to vote for the Bill—first, because he believed it to be unjust; and, secondly, because he very much doubted whether, even if persons were disposed to commit an injustice for the sake of an eventual good—which he confessed he was not—he believed that, instead of good, evil would certainly come of it. He was also of opinion that there had been no such increase of drunkenness of late as to demand the passing of such a wild and violent measure as the one under discussion, for either its cure or prevention. He, in common, he supposed, with other hon. Members, had received a letter that morning from the hon. Members whose names appeared on the back of the Bill, stating a certain view that would be taken of votes given in favour of the measure, which view, he was bound to say, was not the one which was likely to be taken on reading the terms of the Preamble of the Bill, which went a vast deal further and raised a much larger question than the terms of the letter indicated. The Preamble of the Bill stated that the common sale—what that exactly meant he did not know—of intoxicating liquors was a fruitful source of crime, of immorality, of pauperism,

of disease, of insanity, and of premature death. Whether the sale or the abuse of the use of intoxicating liquors led to those results was a question upon which people might fairly entertain different opinions; but, admitting that the promoters of this measure were right in the view they took of the matter, how did they propose to check the evils which they thus pointed out? He should have thought that a trade which entailed all the evils referred to in the Preamble of the Bill should only be dealt with by Act of Parliament, after serious and careful deliberation; but the promoters of the Bill proposed to leave the matter to the chance vote of a parish or a borough where it was said to exist; and to do that would, he thought, be a gross injustice to the community at large. Would it be just, for instance, towards a large portion of the community that their property, in which a vast aggregate sum had been invested, should be liable by such a chance vote to be utterly destroyed? In the letter to which he had referred, hon. Members were asked to vote in favour of giving large majorities some power of checking the establishment of public-houses where there was a desire in the district to do without them. There was something rather Jesuitical in that letter, because it would lead to the supposition that such establishments were not in existence already; whereas the real root of the injustice of this measure was, that it sought to destroy a large existing trade, which had been permitted to grow up in this country with the sanction of the Legislature, and which was founded upon the ordinary and the true principles of supply and demand. He would also remind the House that matters with respect to that trade did not stand in the same position as they did 50 years ago, when the licensing authorities could either license or put down a public-house at their good will and pleasure, for at the present time, a public-house could not be put down without good reason shown, and the decision given could be reviewed on appeal to a judicial tribunal—in fact, the owner of a public-house held his license, not at will, but during good behaviour. Under those circumstances, he asked whether the vast mass of people who had invested their money in this trade were to be exposed to utter ruin by a mere chance vote, which might be the result of an

Mr. Henley

active canvass on one side or the other? He had said that, in his opinion, more harm than good was likely to result from this Bill, and he would explain his reasons for adopting that view. It was not to be expected that when the property of the publicans was at stake all the activity and all the canvassing would be restricted to the temperance side of the question. All who knew what influence the quart pot had in elections would understand that this Bill, instead of restricting drunkenness, would be likely very largely to increase it, and to give rise to habits that were not easily left off. Then, again, who were the persons that it was most desirable should keep public-houses—was it desirable that that trade should be exercised by those who were reckless of consequences, and who would do anything to procure a temporary trade during the uncertain term that they might be permitted to enjoy it? In his opinion, it was of the greatest importance that the trade should be conducted by respectable persons, who would do their best to obey the law, and to restrict, as far as they could, evils which flowed from the abuse of the use of intoxicating drinks; but if this measure were agreed to, the contrary result would ensue, for no respectable man would dare to run the risk of allowing his money to remain in a business that a chance vote might destroy at any time. Was there such a pressing necessity for this measure, that the injustice of putting an end to that enormous trade must be overlooked, in order to stop the consumption of liquor at any price? He believed that drunkenness, instead of increasing, was steadily decreasing in this country—except, perhaps, in Lancashire—and he feared that the agitation that had been got up in favour of this measure had had the evil effect of banding together all those interested in the trade, who would look for some time on all necessary reforms with a jaundiced eye, which otherwise they would willingly have accepted. Another evil result of this agitation had been to induce the public to think that the public-houses were the causes of intemperance, which was far from being the case. In 1831 the population of the metropolitan police district was 1,500,000, the apprehensions for drunkenness being 41,000; whereas, in 1871, the population was 3,800,000, and the apprehen-

sions were 20,000. Thus, while population had doubled, the arrests had decreased by 50 per cent. Considering that the police were under similar arrangements at the two periods, he could not but conclude that drunkenness had decreased. He had, moreover, inquired into the state of Bristol and Liverpool, and Birmingham and Manchester, places which were a fair sample of the large towns of England. Now, in Bristol the number of public-houses and beerhouses in 1870 was 1,220, or 1 to 149 of the population, a very handsome allowance. The number of persons arrested as drunk and disorderly was 1,040, or 1 in 175 of the population. In Liverpool there were 2,294 public-houses or beerhouses, or 1 to every 215 persons, a much smaller proportion; but the arrests were 21,000, or 1 in 23. If public-houses were the cause of drunkenness, and not merely the means which other causes drove people to avail themselves of, how could that great discrepancy be accounted for? Again, in Birmingham the number of those houses was 1 to 185 persons, while the arrests were 1 to 154; whereas in Manchester the public-houses were 1 to 146, and the arrests 1 to 32 of the population. He could only attribute the excessive drunkenness of Manchester and Liverpool to the rapid increase of population having brought together numbers of people who were addicted to drink. Indeed, taking the country generally, the amount of intemperance was in proportion to the ratio of increase of the population. It had been suggested that the Manchester police were extremely vigilant; but that was a question which could be tested by the criminal statistics. Now, in 1870, the number of indictable offences which came to the knowledge of the police in Manchester was 5,744, while 539 persons were committed for trial, or 1 for every 10 offences. At Birmingham, on the other hand, the offences were 822—and, considering that the population of the two places was nearly the same, this showed the close relation between crime and drunkenness—and 360 persons were committed for trial, or 1 for every $2\frac{1}{2}$ offences. It thus appeared that the police at Birmingham were four times as vigilant as at Manchester. At Liverpool the offences reported were 4,500, and the committals one in $6\frac{1}{2}$, while at Bristol the offences were 210, and the com-

mittals 104, or 1 in 2. It was evident, therefore, that the comparative efficiency of the police did not explain the anomaly, but that some other cause which could not be exactly got at drove people to drink, and whether a public-house was 100 yards nearer or farther off would not affect the matter. In illustration of the comparative influence of affliction and prosperity, he might mention that at Manchester, in 1861, during the Cotton Famine, the arrests for drunkenness were 1 in 148 of the population, while in 1870 they were 1 in 32, the proportion of public-houses being 1 to 155 in 1861, and 1 to 146 in 1870. He feared that to aim at restricting the number of public-houses would land them in a fool's paradise, and he believed the large sums of money earned in these places, and the great amount of work to be given for it, lay at the root of the terrible state of things of which they all complained. In short, he must repeat that, looking at all those considerations, he could come to no other conclusion than that the Bill was unjust not only to the persons concerned in the trade in question, but also to the country at large, for were public-houses really the direct cause of the evils mentioned in the Preamble it would be the duty of Parliament not merely to close them, but to forbid the brewers to brew, the distillers to distil, the merchant to import wines and spirits, and to oblige everybody to slake his thirst with what the spring afforded him. The mischief was caused not by the sale, but by the undue use of the drink. Nobody had a right to say to another—"You shall not drink, even in moderation;" yet the Bill would have that effect on persons unable to obtain what they wanted except at a public-house. He opposed it, therefore, as a measure which would prevent Parliament from regulating public-houses, and preventing that abuse of them which was so common.

MR. PLIMSOLL said, that he had never yet been able to give a vote in support of that Bill, because he had never been able to see that two-thirds of the inhabitants of a parish had a right to coerce the other third in a matter affecting their personal comfort. The evils of intemperance, however, were so great, so forced upon their attention at every turn, and his sympathy with the hon. Baronet the Member for Carlisle,

in the hon. Baronet's desire to find a remedy for some of those evils, was so intense, that last year, at the expiration of the Session, he determined to visit the United States and see whether prohibitory laws were as efficacious as they had been represented; for if they really reduced drunkenness, crime, and poverty almost to zero, the objection to infringing the personal liberty of the minority might deserve reconsideration. He accordingly went through Canada and most of the States, and would now give the House a few of his experiences on the subject. In Montreal he found that spirit licenses had been extended to grocers, in the hope that intemperance would thereby be checked; but the effect was quite the reverse, and the measure was accordingly repealed. The experiment of vesting the licensing power in the municipality had also been tried, but the members were subjected to such pressure from their constituents, that they unanimously petitioned for relief from the duty, and it was accordingly intrusted to Commissioners appointed by the Legislature. In the State of Ottawa, again, he found a most extraordinary law, passed a few years ago at the instance of the then Minister of Agriculture, Mr. Dunkin, the spirit of which was to make the publican responsible for all his customer might do, if he became intoxicated. For instance, if a man got drunk at a public-house, and assaulted anyone, the publican keeping the house was liable for the consequences arising therefrom. He could also be sued for damages if a man who had become drunk at his house fell down in the street and perished of cold; or if he supplied drink to a person whose husband, brother, or father had warned him against doing so. In fact, there never had been a measure of a more stringent character, and the House would be surprised to hear what was the result. He asked Mr. Dunkin if any convictions had taken place under the Act, and that gentleman said he did not know. He (Mr. Plimsoll) then said to him—"You conducted the Bill through Parliament, and if anybody had been convicted or fined you must have known of it;" and he replied that no such conviction had ever been obtained to his knowledge. It seemed, however, to him (Mr. Plimsoll) folly to legislate if legislation was not to be operative. In Carolina, no new li-

Mr. Plimsoll

cense was issued unless the applicant obtained the written concurrence of two-thirds of the inhabitants, a provision which he thought might be adopted in this country if the right hon. Gentleman the Secretary of State for the Home Department should think it worthy of consideration. In Massachusetts and Maine, the sale of intoxicating drinks was altogether illegal. On his asking, however, the present Mayor of Portland, a city of 31,000 inhabitants, how many public-houses existed in spite of the law, he was told that there were probably about 300, and that there were about 2,000 arrests per annum for drunkenness, though only 600 persons were brought before the magistrates, those guilty of no violence or disturbance being liberated the next morning. An agency was provided in these States for the sale of intoxicating liquors for sacramental and medical purposes, and to see how that was carried on, he went to the bar and asked for a pint of whisky. To his surprise, the only question put to him was—"Which sort will you have?" He was so taken aback that he was silent, whereupon the barman handed him a list of 13 qualities of whisky. Finding that General Neal Dow, the well-known advocate of the Maine Law, lived at Portland, he called on him. On his putting the same questions to him as to the Mayor, General Dow denied that there were 300 public-houses, expressing his belief that there were only 50, and certainly not more than 100. He (Mr. Plimsoll) was reduced to great perplexity by these conflicting statements; but he resolved to try and clear the matter up, and he did so in the following way:—The State of Maine had decided that the traffic was illegal, and had prohibited it, but the Federal Government treated the matter in a different way. There were two licenses—the one issued by the State and the other issued by the Federal authorities. There was a revenue officer, whose duty it was to collect the license duty from all persons who sold spirits; but as the public-houses did not differ in appearance from other houses, he was obliged to find out the people who dealt in spirits. He (Mr. Plimsoll) got an introduction to that gentleman; he was called Mr. W. H. Smith; and he found him a very pleasant and amiable gentleman. He informed him that in that town of 31,000 people, there were 12

wholesale licenses and 290 retail licenses. Mr. Smith also told him that, though with the exercise of great vigilance, he managed to collect about 300 Federal licenses, there were he supposed 100 more houses that managed to evade it because the traffic was contraband, so far as the State of Maine was concerned. The Mayor also told him that the number of houses was much the same as before the State authorities refused to issue licenses. In Rockland, Augusta, and other towns he found the same state of things prevailed. In order to judge for himself, he turned out of his hotel one night after 12, to see whether the public-houses were open or not. He found them everywhere open. He had with him the dinner bill of the United States Hotel, Boston, Massachusetts, which he would hand to the Home Secretary, from which that right hon. Gentleman would see that one part of the *carte* contained the dishes for the day, and the other the list of wines obtainable, with the prices affixed. That was in a State where there were stringent liquor laws intended to prohibit drinking entirely. At Portland, he found the same thing at the hotel where he stayed. That being the case, it did not appear to him that legislation such as that proposed by the hon. Member for Carlisle would secure the object which he and his Friends had in view. He (Mr. Plimsoll) was not a partizan in this question. He was as sincerely desirous as the hon. Baronet to put an end to the evils arising from drunkenness; but he would suggest to the hon. Baronet that he should hold his hand until he had obtained accurate information as to the actual working elsewhere of the system he advocated. Until the hon. Baronet had gone to the trouble to do that, and was prepared by practical experience and realised facts to sustain his proposals, he would ask the hon. Baronet whether it was fair in him—whether, in fact, he was entitled to ask the House to legislate before he had ascertained those important facts? What he would suggest to the hon. Baronet was, that at the end of the Session he should visit the United States and ascertain for himself the actual working of the system he recommended for adoption by that House. Surely, it was not unreasonable to ask an hon. Member who had made a much larger request of the House in asking it to pass that Bill to

inform himself as to the working of such laws, for if the Alliance would but send out a dispassionate man to report, they would hear the last of that wretched Maine Law. The Foreign Office might also obtain through their Consuls a Return of the amount collected from spirit dealers in Maine Law States, with the number of arrests for drunkenness and of the population, so as to refute what he must term the mendacious statements made at enthusiastic meetings as to the working of the law in America. Before these restrictions were introduced the sum paid for licenses by publicans was \$1,200,000 in one district; since then publicans kept houses without paying licenses, and now they had fallen back upon the old system, they had only been able to collect to the amount of \$300,000. He certainly could not vote for the Bill of the hon. Baronet; but he was quite as anxious as the hon. Baronet to promote temperance and moderation, and what he would suggest would be that the issue of new licenses should not in future be made, except with the consent of two-thirds of the ratepayers. They must recognize the licensed houses which now existed; but they could empower the local authorities to buy up say, 1 in 20 of the existing houses per annum for 10 years, raising funds to do so by levying a second license payment of a local character upon the remainder, which, in the absence of additional taxation, would be enormously increased in value by the diminution of their number, and that would neither inconvenience the public nor injure those engaged in the trade. When new neighbourhoods grew up the voting power of the inhabitants would be a check upon the issue of an undue number of licenses. One other important point upon which they should insist was the checking of adulteration by severe and stringent regulations. He knew that salt was largely used in adulterating beer, with the express purpose of creating thirst, and he thought it was a shame that when a workman purchased a pint of beer for refreshment he should find himself more thirsty after than before he had drunk it. Above all, he had great faith in the gradual power of education and moral influences, and he could not consent to impose harsh restrictions on the personal liberty of any individual in the manner proposed by the Bill.

SIR HENRY SELWIN-IBBETSON said, he was quite sure that the House would agree with him when he said that the hon. Member for Derby, who had just spoken, had no need to regret having paid the visit to America, and the acquisition of such a mass of valuable and important information as that he had laid before them, and which must be sufficient to prevent the introduction of a system that had proved in its working to be most prejudicial. At the same time, he (Sir Henry Selwin-Ibbetson) quite endorsed the statement as to the strong desire which existed on all sides of that House to deal, in some way or other, with the question. He admitted, also, that the hon. Baronet (Sir Wilfrid Lawson) and those who supported the Bill had the same object at heart as they all had; and it was only because he believed that it would not effect the object they had in view that he should that day vote, as he had voted before, against this Bill. Hon. Members of that House had had that day circulated among them a document signed by many clergymen and other respectable persons in its favour, and a large number of Petitions had been presented; but he could not help thinking that the gentlemen who had signed these Petitions and Memorials were utterly misled in the views they had expressed, for he was satisfied that if the Bill passed it would lead them into the greatest difficulty. In the first place, it would cause an annual agitation throughout the country, for those who entertained the same opinions as the hon. Member for Carlisle, and who formed a majority in any district, would, of course, triumph, and in consequence shut up certain public-houses. But did any hon. Member of that House mean to tell him that during the following three years, at the expiration of which only the decision could be reversed, a constant and perpetual agitation would not be kept up to obtain that reversal? And when that was accomplished there would commence fresh agitation by the defeated party for the same end. Then, again, such a perpetual system of turmoil and confusion would only have the effect of establishing public-houses without capital or character, and thus defeat again the object they all had in view. But then came another phase of the question—they would leave entirely untouched those districts where a majority of rate-

payers were opposed to the Bill of the hon. Baronet the Member for Carlisle. No doubt an evil did exist which it was difficult to remedy by legislation; but, in his opinion, they would arrive at their object by steady and gradual means alone, and not by a sudden revulsion or change of the existing state of things in any particular district. Luton, with a population of 21,000, was an instance that by the application of the stringent provisions of the Habitual Criminals Act and of the Beer Act, passed a few years ago, crime and intoxication could be greatly reduced; for since the magistrates of Luton had rigidly enforced those provisions the grave crimes of that district had been reduced to less than a fourth of their previous number, and the minor offences had been reduced more than 40 per cent. In point of fact, night poaching had almost entirely disappeared from that district. The police reported that a very large proportion of those who previously took part in criminal practices had gone to regular work, because the ill-conducted houses in which they previously concocted crimes had been closed, and at the last Assizes there was only one prisoner for trial out of a population of 30,000 in the district. He believed, moreover, that the trade, generally speaking, was greatly maligned in this matter, for there was no body of men who detested seeing drunkards come to their houses more than publicans, seeing that their property was invested in these establishments, and the conduct of such men exposed them to the risk of losing their licenses, and, of course, what they had invested. In his (Sir Henry Selwin-Ibbetson's) opinion, therefore, any legislation which tended to strengthen the publicans' hands in dealing with such persons would not only give them as a body great satisfaction, but produce the best results not only in the management of public-houses, but in the suppression of drunkenness. That was, in his opinion, the course to pursue; but any attempt made to set up the arbitrary rules of the majority of ratepayers throughout the country would never succeed. He held in his hand a passage from a speech made some years ago by the right hon. Gentleman the Member for Birmingham (Mr. John Bright), who was not now present in the House, in which he stated that a Permissive Bill, if passed, would create confusion and diffi-

culties throughout the country, and that it was a monstrous proposition that a majority of ratepayers should be empowered to suppress at once the trade of 100,000 of the people of the country. Then, again, there was another part of this question with which the hon. Member for Carlisle did not seem to remember — namely, that it was calculated to inflict a large amount of injustice; for by *liches*, or by some other means, this state of things existed — that the persons engaged in the liquor trade had acquired the right of custom to have their licenses renewed, and that right would be taken from them. This Bill further proposed that great injustice should be done to a large mass of people throughout the country, because a certain number of houses might not have been properly conducted, and because a certain number of the population had not been able to control their own actions. If the House agreed with what fell from a right rev. Prelate in “another place,” they would refuse to support a Bill which would destroy that freedom to which we owed our dearest possessions — namely, the individual freedom of the subjects of this country. The Bill proceeded from a false point of view; it would be a failure here as it had been elsewhere. It would produce such a reaction throughout the country that they would return to a far worse state of things than the present. As to the statistics which had been often quoted in the House, they ought to be looked upon with great caution, because a large proportion of those figures were merely the repetition of convictions against the same person. He would now refer to something that had fallen from the right hon. Gentleman the Member for Oxfordshire (Mr. Henley). In dealing with the subject of drunkenness at Manchester, it should not be lost sight of that there had been a strong agitation going on there for some time past in reference to this question. The police had exhibited greater activity there than in other towns, and Manchester could not therefore be properly brought into comparison with other towns for the purposes of that discussion. When he inquired of the police last year as to the cause of the increase of drunkenness at Manchester and other places, he was told they believed it was more to be attributed to the fact that large numbers of public-

houses had been just put down, and the frequenters of them had thereby been thrust into more respectable parts of the town, where they had come more under the notice and observation of the police, than to any actual increase in the rate of drunkenness. He believed that to be the case, and that that circumstance should not be overlooked in making deductions from a comparison of one place with another. In conclusion, he would only express his hope that the House would strive, as far as they were able, to deal honestly, fairly, and even stringently with this question, and would not be led away by any such attempts as had been made that day from the calm and rational contemplation of a subject which required careful and gradual treatment, if any successful result was to be expected from the efforts of the Legislature.

MR. T. E. SMITH said, the experience of the hon. Member for Derby (Mr. Plimsoll) would, no doubt, be of great value in that debate, if the extent of the country and the diversity of interests to be affected by the proposed legislation were at all comparable to those to which American legislation applied. One of the evils which attended the American system, however, was that the law was passed by the State Legislature, and thereby many classes and many interests were affected by it, and that led to opposition from very large numbers of the population. That evil had, however, been obviated in the Bill now before the House, which placed it within the power of each place to decide for itself. He (Mr. T. E. Smith) went to America quite as unprejudiced as the hon. Member for Derby, and he came away from that country with opinions entirely different from those of the hon. Member; for he returned with the conviction that it was his duty to vote in favour of the Bill; and from what he saw there, he had no hesitation in saying that the principle of the Bill failed in those parts of America in which it was unpopular; but where the people were in favour of that principle it worked well. The hon. Member for Derby advised the hon. Baronet the Member for Carlisle to take a trip to America, as he would possibly come back with different opinions to those which he set out. Now, on the contrary, he (Mr. T. E. Smith) believed he would come back with his present

opinions more strongly impressed upon him, and he would advise the hon. Member for Derby, though he should be sorry to lose him from that House, to return to America and test the feeling of the country there. Let him become a naturalized citizen of America, and if he wanted to get into the Legislature he would soon find that he would have to adopt the prohibitory ticket. He believed the Bill to be based upon a sound principle, because it was based on the principle that it was not the duty of Parliament to interfere in matters upon which the people were quite capable of looking after themselves. It had been often said that this was an attempt to make people sober by Act of Parliament; but a greater mistake had never been made. Last year they had the Bill of the Home Secretary; this year they had a Bill introduced into "another place;" the Bill of the hon. Member for West Essex (Sir Henry Selwin-Ibbetson); and another brought in by the hon. Member for Fifeshire (Sir Robert Anstruther), and all of those had for their aim a diminution of the drunkenness which existed in the country. Now, all of those he maintained were attempts to make people sober by Act of Parliament; but the Bill now under discussion purposed simply to leave it in the power of the people to decide whether they liked or not to have great and enormous temptations for drunkenness in their midst. He believed the people were strongly in favour of a such a system, and he believed that the Bill was not only sound in principle and wise in policy, but that it was also opportune at the present time. They found that all previous attempts to settle the question had failed, and they had good reason to believe that most of the Bills now before the House would be failures also; that being the case, he thought it was the proper time to urge that the question should be left to the people themselves. He had been told by many friends that at the present day they were suffering from over legislation; but in that particular instance the House was not laying down an arbitrary law, but was simply leaving the question to the people themselves, and that, he believed, was the true way of dealing with the subject. Many men were in favour of the Nine Hours' movement; but if anyone had tried to pass a Bill to

Mr. T. E. Smith

make it compulsory, it might have been brought in year after year without the slightest chance of its passing. But that which never could have been done by Parliament had been done by the working classes combining, and thus by united action defeating the great army of capitalists and winning the day. They, in dealing with the liquor traffic, had also a great army of capitalists and vested interests to meet. He quite agreed with the hon. Baronet the Member for West Essex that there were vested interests to be considered, and that whenever the Bill got into Committee they would have to consider the subject of compensation. The country might think it unnecessary and very hard that they should have to pay compensation for what had been injurious to them; but they must do it. They paid out the slaveholder, and they compensated the officers of the Army; and he believed that where a trade had been licensed and had received the sanction of the Government, if they abolished it they would have to do as they had done in other changes which had been made for the public advantage — namely, to pay a considerable sum of money. It was said that the country would not stand it; but he entertained a different view of the question. Professor Leone Levi, in a pamphlet upon the subject, had estimated the fixed capital invested in the trade at £80,000,000. Accepting that estimate as correct, did it not seem an enormous amount; but what was the fact? Why, that they spent annually £100,000,000 upon the traffic itself; therefore, he said, they could approach the matter, and that the financial difficulty involved in the question was not so great as upon the face of it it appeared to be. Believing, then, that the Bill was sound in principle, wise in policy, and that it might be made just in practice, he should vote for the second reading.

MR. F. S. POWELL said, it was impossible for him to feel anything but gratitude to the hon. Baronet and others, the object of whose efforts was the diminution of intemperance; but he thought the best way to effect the desired purpose, was not to enforce severe legislation such as that now proposed, but to rely on the beneficial effects of a moral, social, and Christian education. In discussing that question, moreover, they

must not devote too much attention to the experience of Scotland. In England, the great consumption was of beer; in Scotland, it was of spirits. Spirits might be easily bought on Saturday and kept until Sunday; but in the condition in which the majority of the artizan class lived in England, it was practically impossible for them to lay by a store of beer for the Sunday. Another great difference which prevailed between the North and the South of the Tweed consisted in the observance of the Sabbath. It was abhorrent to Scotch minds to have any business transactions on that day; while the same objection did not exist in this country. Therefore, he thought, they could not augur that because severe legislation in regard to one day of the week worked well in Scotland, equal popularity and success would attend similar legislation in England. He wished now to say a word on behalf of the right rev. Prelate who had spoken on the subject in "another place." That right rev. Prelate did not say, as the hon. Baronet had stated, that such a Bill as the present was an outrage on the moral sense of the people; but that it was monstrous to enact that it should not be a crime to manufacture, but that it should be a crime to sell liquor. What the right rev. Prelate meant was, that it would be an outrage on moral sense to allow an article to be made, and then forbid it to be sold. Neither did he agree with the hon. Baronet in regard to the brewers and the present law. He was not connected with the liquor traffic; but he believed the brewers wished to have the law amended in at least three particulars—they desired an amendment of the law of a stringent kind against adulteration; they wished keepers of houses to have a stronger protection against evil-doers, and greater power to enable them to preserve order; and they were also of opinion that the terms and administration of the law should be more severe with reference to those who became drunk or exposed themselves in a state of intoxication in the public thoroughfares. He believed that great benefit would result from the more severe punishment of drunkards, and it was a mockery of law that a person who had been convicted some 20 or 30 times should have a merely nominal punishment. He appealed to hon. Members whether the speech of the hon.

Baronet was not a Maine Law speech. Why, the language which he adopted with reference to those who dealt in spirituous liquors was the language of condemnation. They became "drink men"—they were "spoilers;" and he concluded by calling attention to the great controversy between the public on the one hand and the publicans on the other. He (Mr. F. S. Powell) could not concur in that condemnation. The names of Buxton, Hanbury, and other manufacturers of intoxicating drinks, were associated with all kinds of good works that had made this country great and happy. The hon. Baronet further said that this was a moderate measure. Surely, nobody could describe it as such, except those who in their hearts and souls desired a Maine Law. If the scheme of the hon. Baronet, therefore, was not a Maine Law scheme, his speech was a Maine Law speech. The Bill, however, had a Maine Law Preamble, and the Parliament which said that the "common sale of intoxicating liquors was a fruitful source of crime, immorality, pauperism, disease, insanity," and all the rest of it, and a Parliament which adopted that statement and any longer allowed that common sale to continue, was a Parliament not alive to its duties and unworthy of the English people. It had been his fortune, as it had been that of other hon. Members, to pass some time during the last autumn in America; and he was bound to say that his experience went entirely with what had been stated to the House with so much force that afternoon, and he thought the hon. Member who last spoke described not only the experience of travellers, but the judgment of the United States. Now, he (Mr. F. S. Powell) had received during the last few days a document of considerable interest, published by the Medical President of the State Board of Health in the State of Massachusetts. It bore the date of January, 1872. That gentleman was one of the most distinguished physicians in America, and he was a man of enlarged philanthropy. He said—

"From the study I have made of our correspondence with American agents in all parts of the globe, I am induced to believe that the permission to sell mild ale, beer, and light wines would, under very general rules, be really the promotion of temperance in New England, as it apparently is elsewhere."

The hon. Baronet, too, was singularly unfortunate in the reference he made to Mr. Greeley, when speaking of him as the President-elect. [Sir WILFRID LAWSON: I said in the opinion of some persons.] In the opinion of the majority he would never be elected to the office of President. He was one of the staunchest Protectionists that ever lived in America or any other country; and he (Mr. F. S. Powell) would not quote a syllable written or spoken by a man from whose general policy he believed most hon. Members of that House emphatically dissented. The hon. Baronet had said that he had the American laws in his pocket. It must be a very condensed edition of those laws; and he feared the edition consisted but of extracts, and that the hon. Baronet was not familiar either with all the legislation which existed in all the States, or with the current of reform with reference to the liquor law. The circumstances of this country and the circumstances of America differed most widely. In America such was the invigorating character of their translucent atmosphere that comparatively but little desire was felt for intoxicating drinks, and the volume he held in his hand strongly confirmed that view. The amount of spirituous liquors which was drunk in this country with perfect impunity would produce painful intoxication in America. Therefore, the legislation of the two countries, where there were these important differences in their climate, could not be compared. The severity of the law failed in America, and he asserted that the law, where it was carried into execution, was most irregular and uncertain. The testimony of Americans was that the English policy of only attempting to regulate the sale of liquor was much wiser than their policy of nominal prohibition, the only result of which was regulation in an irregular manner. The hon. Gentleman had challenged him to bring forward one instance of a retrograde action; and he could give him two illustrations of it. Some years ago it was impossible to obtain a glass of beer in any public-house in New York on Sundays; but that law had been rescinded, and now there was no difficulty in the matter whatever. Again, in the State of Connecticut, finding it impossible to maintain the restriction, the Maine Liquor Law had been relaxed in favour of beer. It was

Mr. F. S. Powell

interesting to state these circumstances, as they showed that where the law was in force it either was not observed, or that the difficulty of enforcing it was so great that it led to the relaxation of the statute. The hon. Baronet said that a Bill such as this was the logical conclusion of the general desire to put an end to drunkenness; but in his opinion it was the illogical beginning of a new movement. He would give another extract from the report of the same distinguished gentleman, the President of the Board of Health of Massachusetts—

“Alcohol is not by any means the only stimulus that brings disease and misery on human beings, although perhaps it is a stronger inducement to crime than all others. Were there, therefore, a strict rule that no article stimulating to the nervous system should be used by the present party of devotees to abstinence the dogma would split that party into innumerable fragments. It would probably be divided into various small cliques, each excluded for its intemperate use of some favourite stimulus—tobacco, opium, coffee, or tea, &c. Scarcely a week passes that I am not called to ‘prohibit’ in a particular case all use of one or other of these articles. There are thousands of what could be happy lives were it not for the ‘demon of intemperance’ in the shape of tobacco.”

It was said that this was a Permissive Bill; but there were no more mischievous laws than those which were permissive. For the last 25 years they had had permissive laws with regard to the public health, and nothing but evil had resulted, and now that Parliament was alive to that fact, compulsory legislation was about to be enacted. If they desired to suppress habits of intoxication, that would best be done not by measures such as that which the House was discussing, but by ameliorating the condition of the people, by giving them better homes, by improving their workshops, and affording them every opportunity of bettering themselves. In conclusion, he hoped Parliament would not give its sanction to legislation such as that now proposed by the hon. Baronet—a legislation of pains and penalties, of bonds and shackles; but that it would resort to such measures as had already done so much to remove evils which had been long believed to be inveterate and invincible.

MR. BRUCE said, he wished to state in a few words the reasons why he must continue that year to give the same opposition to the measure of the hon. Baronet as he had given in former years.

That Bill was brought in by an hon. Member deservedly popular, who always conducted his case with good humour and ability, and it was supported by men of whom no one could speak without the greatest respect—he meant immense numbers of the working classes and of others who looked to the measure as a means of saving themselves from the evils of intemperance. But when he came to look at the Bill his respect ceased, for it was framed on principles so extravagant and unjust that those who supported it were obliged to do so on some principles which they fancied they found in it, while they passed in silence over its main principles. They said that they supported the Bill because it contained the principle of popular control. But the Bill contained two provisions which were, in fact, its leading principles—one was, that by a vote of a certain majority of ratepayers all sale of intoxicating liquors should be stopped; the other was, that it could be stopped without notice or compensation in any form to those who, without any fault of their own, were to be deprived of their licenses. But those who opposed the Bill declared that it was a monstrous thing that popular control should prevent the sale of liquor in all cases whatever. For it should be remembered that this measure went not only to the suppression of public-houses and beershops, but to the prohibition of the sale of liquor by any grocer or wine merchant; so that a majority of two-thirds might prevent the other one-third from enjoying what in many cases was innocent and in some cases salutary. Was there any evidence that the Bill was likely to succeed in its object? On the question of the existence of drunkenness he wished to say a few words. He was bound in doing so to state that nothing was more puzzling than the statistics of drunkenness, for if he was to judge by his own observation and by what others had told him of their experience, he would say that in the last 50 years there had been a marked improvement in this respect and in the general conduct of the people. But if, on the other hand, he were to look to statistics, the picture was by no means reassuring. He had had prepared by a clerk in the Home Office statistics on this subject, and they appeared to indicate a very formidable increase in the vice of

drunkenness. For instance, the number of persons drunk and incapable, and drunk and disorderly, in 1861, was 82,000, or about 20 per cent of the persons proceeded against summarily; but in 1871 the number was 142,000, or about 26 per cent of the whole number of persons proceeded against summarily. In the one case, 1 in 244 of the population was charged with drunkenness; in the other, 1 in 159. Hon. Gentlemen who had spoken on the subject had always connected crime and drunkenness, and, undoubtedly, to a great extent they were right. But how was the increase of drunkenness, which would appear from the figures he had quoted, at all consistent with what was admitted beyond all question to be the great decrease of crime which had lately occurred? The year 1871, for instance, was remarkable for the immense amount of drunkenness. It was a year of undoubted prosperity and of high wages, and a large part of those wages found their way into the public-house; yet in that year there was a very large and positive decrease of crime. According to the figures quoted by the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) the criminal statistics of such districts as Liverpool and Manchester, showed charges of drunkenness exceeding in their proportion those of London by about 10 times. And if they returned to the criminal statistics of Ashton-under-Lyne, it would be found that 54 per cent of the offences came under the head of drunkenness. In London the cases of drunkenness were only 4·5 per cent of the crimes committed. The explanation was, that here those cases only were reported which were brought before the magistrates; but for everyone that was brought before a magistrate there were 10 who were locked up by the police and discharged next morning. It was clear, therefore, that in London no faith could be placed in our statistics of drunkenness for purposes of comparison with other places. Judging from the fact that there was, on the whole, a close connection between crime and drunkenness, and seeing that crime had greatly decreased, he had come to the conclusion that drunkenness, too, had considerably diminished. He ventured to say that much might be done in the way of regulation. By the stringent application of the Act of his hon. Friend (Sir Henry Selwin-Ibbetson), and of the

Act for the Prevention of Crime, the number of beer and public-houses in the district of Luton had been reduced from 226 to 188, and for 1 that had been opened 39 had been closed. But the reduction in crime had been out of all proportion to the reduction in the number of those houses, because the houses suppressed were exceptionally ill-conducted, and really nurseries of crime. The result was, that the number of criminal cases committed were reduced from 257 in the year ending with September, 1869, to 73 in the year ending with September, 1871. But that was not all; for the grosser crimes, such as might have been concocted in those houses, had been actually reduced by 75 per cent. He argued then, from the evidence which had come before him, for measures of regulation; for there was evidence in favour of regulation; but where was the evidence in favour of the measure advocated by his hon. Friend? The hon. Baronet had referred to America, but on that point it was impossible not to give weight to the evidence of the hon. Member for Derby (Mr. Plimsoll), who had given the results of his own observation, and whose figures were very carefully prepared. It should also be borne in mind that England was a country mainly of great towns, in which a large proportion of the population was collected. In some places where public-houses had been suppressed, there had certainly been a great diminution of crime and drunkenness; but that was in rural districts. And so in America. He understood that in the rural parts of Massachusetts, for instance, the law had operated with some success. His hon. Friend the Member for the West Riding (Mr. F. S. Powell) had quoted largely from the evidence of Dr. Bowditch, of Boston. That gentleman was called upon to report on the subject, but a portion of the information he had obtained went so decidedly against what he knew to be the convictions of the people of Massachusetts, that he shrank from embodying it in his report. It appeared from the report of the Chief Constable of Boston, that there had been a steady increase in the number of persons taken up for drunkenness in spite of all that had been done to suppress the liquor traffic, so that the prohibitory law had been altogether violated. Prohibition had not succeeded in checking drunkenness, but there was

Mr. Bruce

one thing, however, in which it had succeeded—and that was in bringing about a systematic violation of the law. What they should do, then, was this—they should do their best to regulate the sale of liquor, but should not set themselves against what appeared to be a law of nature—that was, a desire for the use of stimulants—knowing that if they did so they would be only encouraging evasion and even defiance of the law. This Bill comprised principles which were contrary to a strict sense of justice, and which shocked all by their extravagance; and yet a number of men, whom it was impossible to speak of without respect, came to that House year after year raising false hopes by supporting the measure. He hoped the House would give an honest vote on this occasion, and that those only would vote for the second reading who were ready to support the measure to the end.

MR. BIRLEY said, that although the House was doubtless becoming impatient of the continuation of the debate, he was reluctantly compelled to trespass for a few moments on their attention, in consequence of the observations which had fallen from his right hon. Friend the Member for Oxfordshire (Mr. Henley), who had deservedly so much influence with that House. If he had known it was the intention of the right hon. Gentleman to prefer an indictment against Manchester with regard to intemperance, he would have taken care to provide himself with authentic documents which might have gone far to prove a solution to the difficult problem proposed. He did not believe, however, that they would have settled the matter entirely, because in those questions it was almost impossible to arrive at the absolute truth; but he thought it must be quite clear to the House that there was no real relation between the drunkenness of their large towns and the convictions for drunkenness which appeared in the police reports. He held in his hand a Return of the convictions for drunkenness which had lately been presented to the House, and while it appeared that in Manchester they were as 1 to about 40 of the population, they were in Tenterden about 1 in 3,500. It was impossible that that was a true test of the comparative sobriety of the two places. The fact was, that in Manchester there was

great vigilance on the part of the police, and there were not those summary discharges which were of usual occurrence in other towns, and therefore the drunken persons in Manchester were really brought before the magistrates. With regard to the Bill now before the House, he thought it worth while to consider for a moment whether the effect of passing it would be so immediate or so startling as either the advocates or the opponents of the Bill seemed to imagine. His confirmed impression was that if the Bill should pass into law they would find that in some places—not, perhaps, very numerous at first—an effort would be made to put the law in practice. He believed they would find that if the Bill were passed, none of those disastrous results which had been predicted would be realized. The demand for the Bill was not, as had been asserted, the work of a few agitators, but an honest expression of the popular feeling. It had been stated that numerous Petitions had been presented against the Bill; but he respectfully submitted that the Petitions in its favour had been far more numerous, as the signatories could not be less than 1,000,000. Of those at least 100,000 were from Manchester, and as he was a Representative of that city, that was his justification for the position he maintained on the present occasion. The Home Secretary had expressed a hope that the vote taken on that occasion would be an honest vote. He (Mr. Birley) hoped so too. By the Bill it was proposed simply to take the veto of the ratepayers instead of the magistrates, and everything else in the measure might be brought into harmony with that principle; while with regard to the question of compensation to those now engaged in the trade, whether brewers, licensed victuallers, or beer-shop-keepers, he was prepared—and he believed the people of the country were prepared—to act on the most liberal basis. In conclusion, he should not trouble the House with any further remarks than to say he should support the second reading of the Bill.

Mr. HUSSEY VIVIAN said, he would not detain the House more than a few minutes in explaining the manner in which he intended to vote on the present occasion. In common with his right hon. Friend the Home Secretary, and the hon. Members who had spoken,

he hoped most sincerely that the vote on the second reading of the Bill would be a thoroughly honest one, and would really represent the opinions of Members on the kind and degree of legislation requisite. Formerly he had voted in favour of the Bill, because it was the only chance he had of entering his earnest protest in favour of stringent legislation on this question; but now he found himself in a wholly different position. He found that at present there were no less than four measures before the House dealing with the subject of the liquor traffic, and he should vote for the one which, in his conscience, he believed most calculated to repress drunkenness. He had never supported the Bill as an advocate of the principle of permissive prohibition; and, if it had passed a second reading and not been altered in Committee in that respect, he should have always felt it his duty to vote against it on the third reading. As he had already said, he had hitherto supported the measure because it was the only opportunity he possessed of showing his feelings in favour of legislation to suppress drunkenness. He approved of regulating the liquor traffic rather than the principle of permissive prohibition, as more likely to effect that object. He thought that any attempt to enforce prohibition in this country would fail. He thought it right that they should try a system of regulation first, and, if that should be unsuccessful, he did not know to what extent he might be inclined to go in the direction of prohibition, in order to suppress the intoxication which now prevailed to such an alarming extent in this country. He regretted that that morning, when the House was nearly empty, the hon. Member for Leeds (Mr. Wheelhouse) considered it necessary to advert to the manner in which he thought Petitions in favour of that Bill were concocted. His belief was, that there was a very earnest desire on the part of a large number of intelligent men and women throughout the country to suppress drunkenness by all the means in their power, and that they believed that that particular measure was calculated to produce that end; and he therefore did sincerely regret that the hon. Gentleman deemed it his duty to allude in the terms he did to the manner in which Petitions were got up. He had himself presented a large number of Petitions from his

own county. He believed they came from the very bottom of the hearts of those who signed them. He respected their feelings as much as he respected anything in the world, and he could not, without pain, hear the mode in which they were spoken of. Although in the altered condition of circumstances he did not intend to record his vote in favour of the Bill, he certainly would not vote against it. He felt so strongly in favour of every measure calculated to repress drunkenness, that he would not vote against the second reading of any such measure, even though he could not support its details; he now intended to give his preference to those other measures which were before the House.

SIR WILFRID LAWSON, in reply, said, he rose at that juncture because he wished, before the House went to a division, to reply to some arguments which had been advanced against the Bill, and not because he desired to prevent any other hon. Gentleman from speaking. He would confine himself to one or two points alone. Perhaps the most telling speech of the debate was that made by the hon. Member for Derby (Mr. Plimsoll), who had made an impression on the House in consequence of his experience in America. But he (Sir Wilfrid Lawson) did not mean to say that prohibition enforced against the wishes and habits of the great majority of the people could be successful, or could work the benefits he desired to accomplish. What he wished was, that where public opinion was ripe for it, there prohibition should be introduced; and he believed that if the measure became an Act of Parliament it would be of no use whatever, except where the great majority of the people wished to carry it out. His hon. Friend recommended him to go to America. His hon. Friend and other hon. Members would, no doubt, be very glad for him to go to America next year, and that he might return too late to bring forward this question again, so that thus it might be got rid of. But he wished that his hon. Friend, instead of recommending him to go to America, would go with him somewhere nearer home. Would his hon. Friend go round with him some night to the gin palaces, and view the scenes of indescribable misery and wretchedness there to be witnessed—scenes more horrible than those which

any savage country could present—and then say that he would vote in this House to prevent those poor creatures from getting a chance of being saved? In that House they were legislating not for America, but for England, and on the experience of his own country he took his stand, and he defied his hon. Friend to indicate one instance in which, where drink shops had been done away with by the good will of the people, great good had not been done. While the right hon. Gentleman opposite (Mr. Henley) was speaking on the question, and condemning the Bill because it admitted of chance votes having effect in the matter, it occurred to him (Sir Wilfrid Lawson) that the right hon. Gentleman had forgotten that nearly every hon. Gentleman in the House was there in virtue of the chance votes of electors. Why was a vote arising from the too sad experience of the drink traffic to be stigmatised as a chance vote? The poor people of this country had had experience for years past of the results which accrued from drink, and he believed they would do away with it, if they had the chance. The right hon. Gentleman proved too much, for he wanted to show by the statistics which he produced that drunkenness prevailed to a less degree in places where public-houses existed in abundance, than where there were few; but if that be true, the right hon. Gentleman must, if he followed the theory to its logical sequence, become an advocate of an indiscriminate extension of public-houses. When he said, however, that their agitation had banded publicans together for mutual protection, he (Sir Wilfrid Lawson) confessed that he never had better testimony of the value and efficacy of their organization. The Bill was objected to by the right hon. Gentleman the Secretary of State for the Home Department on the ground that it would cause perpetual agitation in the attempt to adopt or enforce it. But was there not already agitation enough on this question? That agitation would never cease until justice was done. It would not be stopped by any of the arguments which had been urged to-day, or by the hostility of the right hon. Gentleman himself, and only a feeling of injustice could keep up such an agitation. The people of England had taken up this question, and, having once done so, they would certainly per-

Mr. Hussey Vivian

severe with it. He should, therefore, go to a division with confidence, feeling that, though he might be defeated, he represented a cause which would ultimately triumph.

MR. W. FOWLER, as an hon. Member who, as yet, had neither spoken nor voted upon this question, said, he had made up his mind that it was his duty to vote against the Bill. Many hon. Members did not appear really to understand the nature of the measure proposed, for it had been described as a Bill for giving the ratepayers some control over the licenses; but it was really a Bill to prohibit all licenses. That was not just, and two-thirds of the ratepayers had no right to prohibit the remaining third from doing that which was in itself an innocent act. He could understand a Maine Liquor Law applied to the whole kingdom; but to hand over a prohibitory power in this matter to two-thirds of the ratepayers in any borough was a most anomalous proposal, more especially as a considerable proportion of the two-thirds would be people of the middle and upper classes who never went to public-houses, and would suffer no deprivation if public-houses were closed. He did not yield to any one in his abhorrence of drunkenness, and entertained great respect for many of the supporters of this measure, and should therefore vote with reluctance; but he could not do otherwise than oppose legislation which would be neither politic nor just, and which he thought unworthy of that House.

VISCOUNT BURY said, he had, also neither voted nor spoken on the question, but felt that it was no longer possible to pursue that course, for the Permissive Bill agitation had reached such a height that it was impossible for hon. Members to walk out of the House without voting, hoping that no notice would be taken if they did so. In his opinion that agitation was not right or constitutional, for it endeavoured to influence hon. Members, not by fair argument, but by undue pressure. Moreover, the machinery of the Bill itself supplied the means of applying pressure to the ratepayers, for by a system of voting papers the classes most easily worked on and overawed would be subjected to the same influences, and would find it impossible to give an impartial vote as to the adoption of the Permissive Bill; so

that the result would be the result of agitation, not the spontaneous decision of the people. It was not what the hon. Baronet said it was—a moderate measure; it was a measure for the confiscation of important interests, for the Bill provided that, after it passed, no license whatever should be granted or renewed for the sale of alcoholic liquor—

“Provided, nevertheless, that nothing herein contained should affect any rights or privilege conferred or enjoyed by virtue of any license current or in force at the commencement of this Act during its said currency.”

Now, licenses were current only for the year during which they were granted. Many expired in September or October, and therefore those licenses would be absolutely terminated, and the property they represented would be confiscated, without any kind of warning. He would further say, that having lived in America—not merely as a passing traveller—he would add his testimony to the failure of the Maine Liquor Law in those parts of the country where it was attempted to be enforced. It was now found impossible to enforce it, and the attempt to do so was no longer made; but, even then, it was perfectly easy to obtain drink in any town in the State of Maine. For these reasons, he had no option but to vote against the measure under the notice of the House.

SIR FREDERICK W. HEYGATE, who spoke amid considerable interruption, said, that the effects of the Bill upon Ireland would be very serious, and they had not been discussed. He should, therefore, move the adjournment of the debate.

Motion made, and Question proposed, “That the Debate be now adjourned.”
—(*Sir Frederick Heygate.*)

Question put.

The House divided:—Ayes 15; Noes 369: Majority 354.

And it being after a quarter of an hour before Six of the clock, the Debate stood adjourned till *To-morrow*.

IMPRISONMENT FOR DEBT ABOLITION BILL.

On Motion of Mr. BASS, Bill to abolish Imprisonment for Debt, ordered to be brought in by Mr. BASS and Mr. ROBERT FOWLER.

Bill presented, and read the first time. [Bill 156.]

CRIMINAL LAW AMENDMENT ACT (1871)
AMENDMENT BILL.

On Motion of Mr. VERNON HARCOURT, Bill to amend the provisions of "The Criminal Law Amendment Act, 1871," relating to molestation, ordered to be brought in by Mr. VERNON HARCOURT, Mr. JAMES, Mr. MUNDELLA, Mr. DIXON, and Mr. MELLY.

Bill presented, and read the first time. [Bill 157]

And it being Six of the clock, Mr. Speaker adjourned the House till Tomorrow, without putting the Question.

HOUSE OF COMMONS,

Thursday, 9th May, 1872.

MINUTES.]—PUBLIC BILLS—*Resolution in Committee—Ordered—First Reading—*Pier and Harbour Orders Confirmation (No. 2) * [158]; Cattle Diseases (Ireland) Acts Amendment * [159].

*Second Reading—*Thames Embankment (Land) * [82], debate adjourned; Tramways Provisional Orders Confirmation (No. 3) * [148].

Committee—Report—(£8,000,000) Consolidated Fund *; Metropolitan Commons Supplemental * [143].

*Considered as amended—*Parliamentary and Municipal Elections [139], debate adjourned.

*Third Reading—*Local Government Supplemental * [133], and passed.

SCOTLAND—OFFENCES AGAINST
WOMEN AND CHILDREN BILL.

QUESTION.

SIR DAVID WEDDERBURN asked the Lord Advocate, Whether his attention has been directed to the provisions of the Bill introduced into this House by the Honourable and learned Member for Shrewsbury (Mr. Straight), to authorise the punishment of whipping for certain offences against women and children; and, whether he is prepared to co-operate in extending similar provisions to Scotland?

THE LORD ADVOCATE: My attention has been called to the Bill referred to, the purpose of which is to enlarge the power of punishment under an Act of Parliament which does not apply to

Scotland. I am not at present prepared to express any opinion as to the merits of the Bill as regards England, nor can I express any opinion as to the expediency of extending it to Scotland; but I shall be prepared to consider the question when the subject comes before the House.

POOR LAW—BOROUGH PAUPER
LUNATICS.—QUESTION.

MR. PEMBERTON asked the President of the Local Government Board, whether his attention has been called to the unequal adjustment of the expenses of maintaining Borough Pauper Lunatics in cases where a Union consists partly of a borough which has not contributed to the erection or maintenance of the County Lunatic Asylum and partly of county parishes which have so contributed, such inequality arising from the imperfect remedy provided by sec. 23 of the Poor Law Amendment Act, 1867; and, whether it is the intention of Government to introduce any Bill or propose any Clause in any Bill now before Parliament, with a view to remedy the defects of the present system?

MR. STANSFELD, in reply, said, he was aware of the existence of the inconvenience referred to in the Question of his hon. Friend. The sure remedy for the inconvenience would be to amend the 23rd section of the Poor Law Amendment Act, 1867. There was no Bill before the House for this purpose, and he did not think it would be convenient to introduce a Bill simply and solely to secure this end; but if before the close of the Session it was possible to introduce a clause for the purpose into another Bill of a similar character, it should be done.

AFRICA (WESTERN)—BANK OF WEST
AFRICA.—QUESTION.

MR. LAIRD asked the Under Secretary of State for the Colonies, Whether Her Majesty's Government have sanctioned, or intend to sanction, an ordinance of the Legislative Council of Sierra Leone, granting incorporation to a proposed Bank of Deposit and Issue at Sierra Leone and elsewhere in West Africa, under the title of "The Bank of West Africa," and, whether Her Majesty's Government will lay upon the

Table, before giving their sanction to the said ordinance, if not already given, Copies of all Correspondence, Memorials, Protests, &c. relative to the said ordinance and proposed bank?

MR. KNATCHBULL-HUGESSEN : The ordinance referred to has not yet been sanctioned, but the matter is still under the consideration of Her Majesty's Government. Any Papers presented now would be necessarily incomplete, although somewhat voluminous; but as soon as a decision shall have been arrived at, I will consider the desirability of laying such Papers upon the Table of the House, and will communicate with the hon. Member.

AFRICA (WEST COAST)—THE LAGOS TRADERS.—QUESTION.

MR. LAIRD asked the Under Secretary of State for the Colonies, Whether Her Majesty's Government have received information that the Egba Government or authorities have stopped produce coming down to Lagos from Abeokuta, to the great injury of Lagos traders, in retaliation for the "Prohibition of Export of Arms Ordinance" of 11th September last and other measures of the Lagos Government; and, whether Her Majesty's Government will lay upon the Table Copies of Correspondence with the Administration of Lagos relative to the passing, sanction, and publication of such Ordinance, and of objections made to it by or on behalf of persons engaged in the trade and commerce of Lagos?

MR. KNATCHBULL-HUGESSEN : Her Majesty's Government have received no official or certain information as to the stopping of produce by the Egba authorities, although reports have reached us of that nature. Governor Pope Hennessy, in whose discretion we have great confidence, is at present visiting the coast, and I should prefer to wait for his Report before undertaking to produce Papers upon this subject. The prohibition of the exportation of arms was in consequence of the disturbed state of the Oil River district; but I believe that prohibition will shortly be removed.

DOMINION OF CANADA—SALE OF ARMS AND STORES.—QUESTIONS.

MAJOR ARBUTHNOT asked the Surveyor General of Ordnance, If it is true

that on the withdrawal of the British Troops from Canada, guns of a class which were offered for sale and sold at from £5 to £6 per ton in England, were made over by the Control Department to the Dominion Government at £20 per ton; whether old stores and ammunition, including shot, shell, and powder, were charged for as new, while shot and shell not so bought by the Canadians were sold to contractors at the rate of £2 per ton or thereabouts; whether the armament of Kingston was reduced by about one-half, subsequent to and notwithstanding an order from England that it should be handed over complete, the balance of the said armament being sold as old iron to American contractors, and the powder, which in conformity with the War Office Order above referred to should have been given, being sold to the Dominion Government; and, whether any protest with regard to these matters has been since made by that Government; and, if so, with what result?

SIR HENRY STORKS : No, Sir, it is not true. I will, however, answer the Questions of the hon. and gallant Member *seriatim*. As regards the first Question, guns of every description which would have realized from £4 10s. to £6 per ton in England, were sold to the Dominion Government at £2 2s. per ton; two new 8-inch guns, 65 cwt., at Kingston, and four at Toronto, which would not have been offered for sale in England at all, were sold to the Dominion Government at £20 per ton, the cost price. As regards the second Question, old and depreciated stores were sold at a valuation agreed upon by the Imperial and Dominion officers acting at the transfer, but new and perfectly serviceable stores were sold at cost price; shot and shell not bought by the Canadian Government were sold to contractors at rates from £2 9s. to £2 17s. per ton, but they were such as remained over and above the equipments required for the armaments and reserves. As regards the third Question, the armament of Kingston was not reduced by one-half and the balance sold to American contractors; the guns and carriages were handed over as they stood, in accordance with orders from England, and with the concurrence of the General Officer Commanding and Officer Commanding Royal Artillery in North America, by whom

the proportions of powder, ammunition, and stores for the equipment of the armaments were approved. The only powder sold to the Dominion Government was for a reserve. As regards the fourth Question, the Canadian Government forwarded to the Officers of the War Department in Canada a representation from the Officer acting under the Dominion Government as Inspector of Artillery and Warlike Stores, that the armaments and stores had not been handed over in accordance with the orders from England; but the Officer Commanding Royal Artillery reported that the representation was erroneous, and that the statements were hasty and ill-founded. The Dominion Government applied subsequently to keep all the surplus guns and projectiles remaining after the transfer of the armaments and reserves; but this was not agreed to, it not being in accordance with the terms laid down by the Imperial Government. The general arrangements of the transfer of the armaments and stores were carried out in communication with the Treasury and Colonial Office.

MAJOR ARBUTHNOT asked, If the right hon. Gentleman had any objection to lay upon the Table of the House the Returns upon which he (Major Arbuthnot) had relied for his information?

SIR HENRY STORKS: If the hon. and gallant Gentleman will let me know to what Return he refers, I shall then be better able to answer his Question.

ARMY—FERMOY BARRACKS. QUESTION.

COLONEL C. H. LINDSAY asked the Secretary of State for War, If his attention has been drawn to the unsatisfactory and unhealthy condition of the Old Barracks at Fermoy, and whether reports in reference thereto have not from time to time been forwarded to the War Office; if it be true that the latrines are old cesspits, and that the Control Department have great difficulty in getting them emptied; whether a proposal to construct earth closets has not been for some time under consideration; and, if so, when will that proposal be carried into effect; whether it is the case that the water supply during the summer is so limited that it has to be obtained by means of water carts; and, if he will state the number of cases of measles

Sir Henry Storks

and typhoid fever that have occurred in the said barracks amongst the men, women, and children, during the months of March and April, together with the number of deaths that have resulted in consequence?

MR. CARDWELL: I have, Sir, made inquiry of the proper department as to the details involved in this question, with the following result:—1, Reports specially reporting the unhealthy and unsatisfactory condition of the old barracks of Fermoy have not been received; 2, the latrines are on the old cesspit system, they are emptied satisfactorily under a contract; 3, the substitution of earth closets has been considered, but no steps have yet been taken for the purpose; 4, the water supply was last year represented as deficient, one of the principal wells was thereupon deepened and a good spring of water struck. In the summer it has been found necessary to supplement the supply by the use of water-carts; 5, the occupation of the old barracks is by 856 non-commissioned officers and men; from the 2nd of March to the 3rd of May, inclusive, there had occurred at Fermoy—presumably at the old barracks—one case of typhoid fever—a soldier; of measles—one officer, three soldiers, one woman, 30 children; one child is reported to have died of measles. Measles have been very prevalent, and the spread is referred rather to infection than to any insalubrity in the condition of the barracks.

CRIMINAL LAW—COSTS OF CRIMINAL PROSECUTIONS.—QUESTION.

MR. WATERHOUSE asked the Secretary of State for the Home Department, If, inasmuch as the practice still continues of disallowing certain costs of criminal prosecutions by the Treasury, subsequent to their being duly taxed by authorized officers appointed by the Judges of Assize, he is now prepared to give effect to the opinion expressed by the Court of Queen's Bench on the illegality of such re-taxation, bearing also in mind the statement made in March last that the subject was under consideration of the Treasury and the Home Office?

MR. BRUCE, in reply, said, that the question how to give effect to the opinion referred to was under consideration; but no measure was as yet sufficiently matured for him to be able to state when

it was probable that it could be announced to the House.

COUNCIL OF INDIA—DRAFTS ON INDIAN PRESIDENCIES.—QUESTION.

MR. M'ARTHUR asked the Under Secretary of State for India, Whether the Secretary of State for India in Council has authorised an arrangement withdrawing for four months, without notice, the fortnightly issue in London of the Council's drafts on the Indian Presidencies, hitherto depended upon by Merchants in their trade operations; and, if so, why public competition has not been invited in order that the best terms might be secured, and the Merchants made aware of the intended change in financing decided upon by the Indian Government authorities?

MR. GRANT DUFF: I have, Sir, to thank my hon. Friend for giving me an opportunity of saying that the Secretary of State in Council has authorized nothing of the kind, and that tenders will be received as usual, according to advertisement.

**ARMY—THE IRISH MILITIA.
QUESTION.**

MR. O'REILLY asked the Secretary of State for War, Whether it is the intention of the Government to reduce the establishment of Irish Militia; and, if so, by what number; and, whether it is the intention of the Government to amalgamate any Irish Regiments of Militia; and, if so, which?

MR. CARDWELL: Sir, the question of the future establishment for the Irish Militia is not yet finally decided; but in General MacDougall's Report it is stated that, in proportion to the present population, Ireland has too large an establishment as compared with England and Scotland, and it is proposed to reduce Ireland by 5,000 men. The detailed arrangements with respect to the smaller battalions, as far as they have been yet completed, are given in Schedule A, and the very small battalions will eventually be consolidated.

**PARLIAMENT—ASCENSION DAY.
QUESTION.**

MR. BERESFORD HOPE, who moved the Adjournment of the House with the view of putting himself in Order, said, he had given Notice of a Question on this

subject to his right hon. Friend at the head of the Government, and he desired to say a few words in explanation. His remarks had reference to the very extraordinary division which took place yesterday. It was one of the Motions which the Government of the day charged themselves with, and his right hon. Friend at the head of the Government put his name down for it, although—so little anticipation was there of any opposition—it was moved by another Member of the Government. No notice of opposition was given, and yet a “snap” division was taken by surprise, and the Motion was rejected by a majority of 5 a few minutes after the meeting of the House. It had been stated by the right hon. Gentleman the Member for Kilmarnock (Mr. Bouverie) that the custom was of recent date, and its origin was attributable to the efforts of the noble Lord the Member for North Leicestershire (Lord John Manners), at whose instance the arrangement was made by the present Prime Minister, acting for Lord Palmerston during Lord Palmerston's Government. But the fact was that the adjournment on Ascension Day dated from 1849. It was moved on the 16th of May in that year by his right hon. Friend then and now the Member for North Staffordshire (Sir Charles Adderley), and it was acceded to on the part of Lord Russell, who was Prime Minister, by the right hon. Gentleman the Member for Morpeth (Sir George Grey), who was at that time Home Secretary. He would not dwell upon the discourtesy, to say the least of it, of upsetting an arrangement upon which the House relied. But that discourtesy was in this instance exercised in respect to a matter which affected the religious feelings of Members in that House. [“Oh!”] Some hon. Members might doubt that statement; but the fact remained, and he was not ashamed to own that his religious feelings had been hurt by what had been done, and he believed that the religious feelings of others had been hurt in a similar manner. There were, at least, two religious bodies in the House—the Established Church of England and the Roman Catholic Church—both of whom observed Ascension Day with peculiar devotion. Years ago there had been a revived demand for the observance of services of especial religious significance, and that demand

had continued to increase, and he ventured to say that the proceedings of yesterday would make a sensation through the country. He undertook to say that there was not a parish in the land in which people would not be surprised and hurt at what took place yesterday. Some people might think that going to church savoured of superstition.

MR. D. DALRYMPLE rose to Order.

MR. SPEAKER ruled that the hon. Member for Cambridge University was in Order, as he intended to move the Adjournment.

MR. BERESFORD HOPE said, that his Question also referred to the observance of Ash Wednesday—an observance for which day, also, the House was accustomed to provide by not sitting till 2 o'clock. He might remark that in the Division List he observed the names of two Gentlemen, with reference to whose religious susceptibilities the House had been recently manifesting its tenderness. He wished to ask the First Lord of the Treasury, Whether, regarding the Division which was taken by surprise at the sitting of Wednesday, shortly after the meeting of the House, in reversal of the continued custom of the House for twenty-three years that Committees should not sit on Ascension Day until two o'clock, he will consider the advisability of embodying the custom by which the House does not sit on Ash Wednesday till two o'clock, nor Committees on Ascension Day till two o'clock, in a Standing Order?

Motion made, and Question proposed, "That this House do now adjourn."—
(*Mr. Beresford Hope.*)

MR. GLADSTONE said, in reply, that he was not surprised at the Question having been put; but he trusted the House would not be led into a discussion on the subject, not only on account of the interruption it would be to Public Business, but because he did not think any discussion of the matter at the moment would promote the spirit which should prevail on such a day. He felt bound to take exception to the use of the word "surprise" in the Question, because the result must have been a surprise to everyone concerned, and could not be said to have been premeditated, as the use of the word in the Question seemed to imply. He regretted the decision, because it had given rise to misapprehension out-of-doors; but he thought

Mr. Beresford Hope

it would be better to postpone the consideration of the matter now on the understanding that the question would be raised before another such occasion arrived, so that the deliberate opinion of the House might be taken upon it. He hoped the House would not think that he was to blame in the matter. He was in the House till half-past 2 in the morning of the same day, and he would have been in his place when the question came on if he had anticipated that it would have been anything but a matter of form.

MR. BOUVERIE explained that he did not rise yesterday to oppose the Motion, but simply to give full Notice that he should do so next year. The feeling of the House, however, was against the Motion, and he did not think anyone had a fair right to complain if, upon the Question being put to the House, the hon. Member chose to say "No" to it and proceed to a division. The *leg maxim, Vigilantibus non dormientibus subveniunt leges*, applied in this case. Those who were wide-awake got the benefit of the law. There were upwards of 100 Members in the House at the time, and he believed as a matter of fact that the Speaker's decision was in favour of the "Noes," and that the "Ayes" forced the division. He admitted his error in reference to the origin of the practice, but explained that he spoke from memory, and had confused what occurred on the subject of Ascension Day with the proceedings in connection with a Day of Fast and Humiliation. Having searched the Journals, he found the Motion originated with the right hon. Member for Droitwich (Sir John Pakington), and was assented to by Lord Palmerston. Afterwards the Motion was made by Sir William Hayter. But it was a mistake to suppose, as the hon. Member for Cambridge University (Mr. B. Hope) had done, perhaps inadvertently, that this division was in reversal of the continued custom of the House. In 1856 the Motion was first made and agreed to, and it was repeated in 1857. Then followed a gap until 1861. In that year and the following the Motion was agreed to. Then there was a gap until 1865, when in that year and the two following the Motion was agreed to. It was not made again until 1870 and 1871, so that out of 17 years the Motion had been made in only nine. Another

point upon which some misapprehension seemed to exist was that the decision came to had obliged the Committees to sit at 12 o'clock, in accordance with their ordinary practice. But the Committees were quite able each individually to adjourn to 1 or 2 if they chose, and the only complaint that could be made on the matter was that, if the Motion had been carried, the Committees were suddenly told they should not sit until 2. As a matter of fact, the Committees, having their time of meeting in their own hands, had eight of them met at 12, one at 1, and another at a quarter to 4—for formal business, probably. So that it was evident the only compulsion was the proposed compulsion of the Committees, forbidding them to sit, and not the compulsion of the House by any refusal of the Motion. It was necessary these things should be understood before forming an opinion on the question.

Motion, by leave, *withdrawn*.

ENDOWED SCHOOLS COMMISSIONERS—
EDUCATION OF GIRLS.—QUESTION.

MR. FAWCETT asked the Vice President of the Council, Whether he will state the number of schemes framed by the Endowed Schools Commissioners which has already been sanctioned by Parliament, and in how many of these any provision has been made for the education of girls? He also wished to ask, what is the annual value of the endowments dealt with by these schemes, and what portion of this amount has been allotted to the education of girls? And also, why in the scheme considered by Parliament on Tuesday last for Ripon School no provision has been made for the education of girls?

MR. W. E. FORSTER, in reply, said, he had had a very short time for making inquiries, but he would state that the number of schemes sanctioned by Parliament was 27, and that the annual income reached £6,688. Of this, £1,000 a-year was the subject of a very limited scheme, simply abolishing the restriction to Trinity College, Cambridge, of Exhibitions from St. Paul's School. Out of those 27 schemes, 14 made funds applicable to the education of girls. The annual income appropriated to girls exclusively was £887, out of which only £60 a-year was previously applicable to

girls. The annual income assigned to both girls and boys, without any proportion being defined by the scheme, was £1,042. With regard to the question why the scheme for Ripon Grammar School made no provision for the education of girls, the reasons were—first, that the funds of the grammar schools were not more than was actually required for the education of the boys; secondly, it happened that there was no person at Ripon who required that it should be applied to girls; and, thirdly, there were very considerable endowments at Ripon, out of which the Commissioners hoped to be able to obtain some funds for the education of girls, and they had already suggested that such an application should be made with reference to a part of those endowments. The Commissioners and he himself were as anxious as his hon. Friend could be that girls should be considered in the application of those endowments, and if his hon. Friend would do the Commissioners the favour of calling upon them, he would find satisfactory reasons for the course they had hitherto adopted. In one particular scheme, in which an endowment of £80 a-year had suddenly grown up to £900 a-year, and in which they were not impeded by the past, the Commissioners had devoted that sum equally to the education of boys and girls. They had endeavoured to push the application of the funds in that direction, in all cases, as far as possible.

PARLIAMENTARY AND MUNICIPAL
ELECTIONS BILL.—[BILL 139.]

(Mr. William Edward Forster, Mr. Secretary
Bruce, The Marquess of Hartington.)

CONSIDERATION.

Bill, as amended, *considered*.

THE ATTORNEY GENERAL FOR IRELAND (Mr. DOWSE) rose to move the insertion, after Clause 18, of a clause to amend the Law as to polling in wards in certain boroughs in Ireland. There were in that country three or four boroughs in which the municipal and the Parliamentary boundaries were not co-terminous. The object of this clause was to authorize the Sheriff to treat the portion of a Parliamentary borough which lay outside the municipal boundary as if it were inside of it, and thus to erect booths and compartments out-

side of that boundary, so as to afford greater convenience to the electors in recording their votes.

Clause (Amendment of Law as to voting in wards in certain boroughs).—*(Mr. Attorney General for Ireland,)*—*added.*

MR. HODGKINSON moved, after original Clause 6, to insert the following clause:—

(Limitation of expenses.)

"From and after the passing of this Act, the expense to be incurred by any returning officer and chargeable to the candidates in respect of each polling station at any Parliamentary Election shall not exceed the sum of seven pounds over and above the expense of providing ballot papers and of the fee of the presiding officer; and the charge to be made by the returning officer in respect of the certificate or return to the writ shall be one guinea, and no more; and no candidate at any Election shall be required to pay any charges or expenses incurred for the services or attendance of any police or other constables at any Election."

The effect of his clause would be to mitigate, though not absolutely to remove, the evil of which many hon. Members had cause to complain. As long as Members were required to possess a property qualification, perhaps it was only fortifying that qualification that they should be obliged to pay a considerable amount of the expenses of elections. But since the abolition of the property qualification that reason for imposing this burden on them fell to the ground. The payment of those expenses by the candidates was a matter of comparatively modern origin. It was only about 40 years ago that there was any decision that candidates should be bound to pay for the erection of hustings; the ground on which that decision rested being that if candidates and their friends used the hustings they must be taken to have assented to their erection, and therefore must pay for it. It was not until the first Reform Act that those expenses assumed any magnitude. Before that time there was only one place for taking the poll at each election, which was generally held in the Town Hall or some other public building, and the expense, consequently was small. But after the passing of that Act the thin end of the wedge got inserted, and the expenses of elections were thrown absolutely on the candidates by the Legislature. Since then the expenses charged to them had been

The Attorney General for Ireland

legally, and some of them probably illegally, increased. He proposed by his present clause to deal with three classes of expenses. The first was, the charge of the Returning Officer for making the return, which was now a very arbitrary one, ranging from two guineas and a-half to 30 guineas. In Scotland they were wiser in those matters. There were only two or three cases in which they paid anything beyond a few shillings for the cost of the parchment. The duty of making the return was a very light one, and he proposed that the remuneration for it should not exceed one guinea, which he thought was sufficient. The second charge was that for the polling-booths. By the Reform Act the maximum charge on this head in an English county was fixed at £40, and in English boroughs at £25; but he could not see any reason for such a difference. In Ireland the maximum had been fixed at £5, and he considered that £7 would in all cases be found sufficient. The third charge was that for the police during the time of election, which amounted in some small places, such as Ripon, for example, to £20 8s. 6d., and Windsor to £155, and which, he thought, ought to be abolished altogether. He concluded by moving the new clause of which he had given Notice.

Clause (Limitation of Expenses).—*(Mr. Hodgkinson,)*—*brought up*, and read the first time.

Motion made, and Question proposed, "That the said Clause be now read a second time."

MR. W. E. FORSTER entirely agreed with the hon. Member that election expenses ought to be reduced as much as possible, but thought he could show him good reason for not pressing his clause. In the first place, the indenture expenses had been abolished altogether by Rule 43 of the 1st Schedule. The Act 7 & 8 *Will. & Mary*, c. 25, s. 2, imposed a fine of £500 upon any Returning Officer who received any reward or gratuity for making out the return to a writ. The charge for the services of the police was not legal at the present moment, and the Returning Officer was required by 6 *Vict.*, c. 18, s. 20, to provide them. With respect to limiting the expenses for polling-booths to £7, he thought it was undesirable to put into the Bill any positive limitation, as the circumstances of dif-

ferent places were likely to vary very much. In some cases £7 would be too small a charge, while in others it would be a great deal too much.

MR. MUNTZ said, he hoped that the hon. Member would press his clause, in order to put an end to the present system under which every official at an election endeavoured to make as much money as he could. When himself a Returning Officer, he was offered an allowance if he gave an order for a certain number of polling-booths.

MR. CANDLISH said, he thought the maximum charge of £7 for polling-booths would undoubtedly in some places be taken advantage of for making an increase of the charge to that amount. No such charge was incurred in the borough he represented (Sunderland), as a room was simply hired for conducting the election. If the Mover of the clause would consent to strike out all but the provision relating to the police, he would support the clause. The hon. Gentleman had just informed him that he was willing to accept this Amendment, which he (Mr. Candlish) would therefore move.

MR. SPEAKER: The clause has not yet been read a second time by the House, and it is not competent for the hon. Member to move an Amendment upon it before it is so read. The Question before the House is, whether the clause be read in its entirety or rejected in its entirety?

Question put.

The House divided:—Ayes 82; Noes 349: Majority 267.

MR. CHARLEY moved the following clause:—

(Offences how to be prosecuted.)

"Any misdemeanour under this Act may be prosecuted before a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts."

He said that his Amendment was in the ordinary form in which a clause was framed when it was desired to give summary jurisdiction to try offences. As the Bill at present stood, a single justice sitting in his back parlour could try these offences; but if his clause was adopted, it would then be necessary that the proceedings should be before two ordinary justices or one stipendiary magistrate.

VOL, CCXI. [THIRD SERIES.]

Clause (Offences how to be prosecuted,) —(Mr. Charley,)—brought up, and read the first time.

Motion made, and Question proposed, "That the said Clause be now read a second time."

MR. W. E. FORSTER observed, that the offences mentioned in the 3rd clause were misdemeanours, and, in his opinion, they were offences that could properly be tried only before a jury. It would introduce a new practice into the law to enact that misdemeanours should be tried by two justices.

MR. HUNT said, he hoped that the clause would not be pressed in its present form, because the offences named in the 3rd clause were not fit ones to be tried before two justices. As to the offences named in Clause 4, he thought that they should not be dealt with by one justice, and he would suggest that the proper time to bring this question forward would be upon the 4th clause.

Motion and Clause, by leave, withdrawn.

MR. SOLATER-BOOTH moved to leave out Clause 1. Although the question of nominations had been the subject of debate for several days last Session, and had been much commented on in the public Press, still he felt that he owed no apology to the House for giving it another opportunity of considering whether it was worth while to depart from the ancient practice of public nomination, and to establish a system which he thought would be equally unnecessary and unpopular. He doubted whether the House was aware of the great change intended in this respect; and he was sure that the country was not aware of it. The Bill proposed that a candidate should be nominated in writing; that the writing should be signed by such two of the registered electors as might be his proposer and seconder, and by eight other registered electors. The Schedule relating to this subject carried the process further, and pointed out that the place of election should be a convenient room, situate in the town in which the election might be held, and selected for that purpose by the Returning Officer. The Returning Officer was to appoint the nomination sometime between 10 and 2, and he was to attend during two hours. The nomination papers were to be delivered

to the Returning Officer at the time and place mentioned, and the candidate, his proposer and seconder, and one person selected by the candidate, were the only persons to be present during the proceedings. If the election were contested, the Returning Officer was to give notice of the day of polling to the candidate and the persons subscribing the nomination papers. The House would perceive that this was an entire departure from the immemorial practice of nominations, and it would require a considerable amount of justification before it was passed. It might be said that public nomination was a useless and generally riotous proceeding; that the proceeding was carried on in dumb show; and that the consequences were scandalous to this country. He wished, however, to point out that in a large proportion of nominations no riotous proceedings took place, so that the remedy proposed was wider than the grievance, which was a very common form of legislation in these days. In the second place, the nomination was, in a very large number of instances, the actual election. He should not so much have objected to a plan for deciding in private whether there should be a contest or not, because the nomination was not so important where the subsequent proceedings were to be of a public character; but it was most objectionable that the election should take place in a room—a garret or an attic perhaps—from which not only would the public be excluded, but even the reporters for the public Press would be excluded also. To do this would be to trust the Returning Officer with a very large discretion. Had it ever been heard in recent times that Parliament proposed by its formal legislation to exclude from a proceeding upon which the light of day ought to be let in, and in which the public and the constituency affected by it took the greatest possible interest, the reporters of the public Press? The only precedent for this hole-and-corner proceeding was the law requiring that executions should be inflicted in private. But, unfortunately, the Government of the day forgot to introduce such exclusive words as this Bill contained, and reporters were allowed to witness the dying agonies of the criminal, and by their description to demoralize the public mind pretty much as public executions had done. It reflected no great credit

Mr. Selater-Booth

on the Liberal party that they should propose to carry secrecy to such lengths. There was a plan on the Paper suggested by the hon. and learned Member for Wexford (Mr. M'Mahon), which would be a great improvement on the scheme of the Government; a plan was proposed by the hon. Member for Dorsetshire (Mr. Floyer) last year, and many other plans might be suggested for divesting nominations of their riotous and turbulent character. There was no occasion, therefore, for legislation of this kind. The matter had been very carefully considered by the Select Committee from whose lucubrations this Bill had proceeded, and they did not recommend that nominations should be abolished. The provision of the Bill of last year as finally settled was less objectionable, for the Returning Officer was then authorized to allow 10 persons, besides the proposer and seconder, to be present. [Mr. W. E. FORSTER: Not as finally settled.] The whole position of the Government with regard to the proposer and seconder and the eight registered electors was full of anomalies, and when understood by the country would be considered ridiculous. The Returning Officer was to placard outside the place of nomination the names of the proposer and seconder, and the eight registered electors who recommended each candidate. What became of secrecy in that case? There was an Irish borough which had been often spoken of in this House—he meant Portarlinton—which had not above 60 or 70 electors. [An hon. MEMBER: 120.] Well, it was conceivable that there might be six or seven candidates for a small borough like Portarlinton, and if the names of the 10 registered electors for each candidate were to be placarded in public, what was to become of the secrecy which the Bill was to secure? He was quite sure that in the majority of counties the change now proposed would be, in the highest degree, unpopular, and the difficulty which had arisen in the case of boroughs might have been got rid of by other means.

Amendment proposed, to leave out Clause 1.—(*Mr. Selater-Booth.*)

Motion made, and Question proposed, “That Clause 1 stand part of the Bill.”

Mr. WYKEHAM MARTIN said, that the hon. Member who had moved

the omission of the clause had hardly given sufficient weight to the fact that this system of public nomination had been complained of by men of all parties for the last 20 years. As long ago as that an eminent writer described the day of nomination in these words—

“Nomination days altogether are a most unsatisfactory affair. There is little to be done, and that little mere form. The tedious hours remain, and no one can settle his mind to anything. It is not a holiday, for everyone is serious; it is not business, for no one can attend to it. It is not a contest, for there is no canvassing. It is not an election, for there is no poll. It is a day of lounging without an object, and luncheons without an appetite; of hopes and fears, confidence and dejection, bravado, bets, and secret hedging; and, about midnight, of furious suppers, grilled bones, brandy-and-water, and recklessness.”

Most hon. Gentlemen could testify from their own experience to the truth of this description, which he had copied that afternoon from a work written by the only Member of this House who could give so true and striking a picture—he meant the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli). It struck him that this passage, which he had repeatedly read, would have more weight with the House than anything he could say on the subject. There were few hon. Members who had attended more contested elections than himself, and in the whole of his experience during the last 17 years he recollected only three nominations, whether for counties or boroughs, at which the candidates were heard, except perhaps by the reporters and a few friends nearest to them. The doing away with open nominations would, in his opinion, be a popular process, because the people who came to make a row were generally not electors, but men who were hired to do mischief.

Mr. FLOYER said, he could not agree with the hon. Gentleman who had last spoken. It was not for him to criticise the eloquent language of the right hon. Member for Buckinghamshire (Mr. Disraeli); but they all knew in what powerful colours the inimitable Hogarth had painted county and borough elections, and did anyone suppose that such a genuine Englishman as Hogarth did not appreciate the freedom, openness, and hard hitting of English election contests? Hogarth was a man who of all others would stand up for elections

carried on in the light of day. There were many distinguished men on both sides of the House who were of opinion that nominations should be carried on in the accustomed way, and many others who would support the old system did they not think that it would militate against the passing of the Bill. But the proposal of his hon. Friend had no such intention. There was no reason, if public nominations were continued, why the Ballot should not be carried and pass into use in the country. The right hon. Gentleman at the head of the Government had said that he did not wish to check the public expression of opinion or interfere with any use of tongue or voice by Englishmen. But the greatest interference with use of tongue and voice would occur if they abolished the immemorial custom by which candidates appeared on the hustings. *The Times*, speaking lately of a great question which agitated the public mind, said it must be relegated to consideration at the hustings; but if this Bill were carried there would be no hustings at all, a customary phrase would lose its meaning, and so even the English language must be altered. It was said that you could not hear what occurred at the hustings. In the county which he represented (Dorsetshire) this had never been so, though there had been stout fights on many public questions. To the best of his recollection, on no occasion had the speakers—proposer, seconder, or candidate—failed to make themselves heard at nominations in his county. Surely means might be contrived by which in particular instances—in cases of riot—nominations might be suspended, and perhaps the plan in the Bill adopted, without abolishing nominations altogether. Believing that such abolition was not called for and would cause great dissatisfaction throughout the country, he should cordially support the Motion that the clause should not form part of the Bill.

Mr. OSBORNE: Sir, the picture drawn by the hon. Member for Dorsetshire (Mr. Foyer) of elections in that favoured county is so alluring, that if I could by any chance acquire property in that county I should certainly like to stand upon the hustings there. But let me call his attention and the attention of the House to this—that there is a great difference between Dorset and Nottingham “lambs.”

My experience shows that, while those of Dorsetshire come earlier into the market and are less expensive, Nottinghamshire lambs are very dry and tough. We have heard repeated to-night something about the wisdom of our ancestors. I am sure if our ancestors had lived in these days nominations would have been abolished long ago. In my opinion, one of the most valuable clauses in the Bill is that which proposes to abolish nominations. The hon. Gentleman talked about the voices of the electors. As if the individual voice of an elector were ever heard at a nomination, and as if there were not a general agreement to roar, to hiss, and become debased with drink! The true-born Englishman is said to delight in that day. Now, who are the true-born Englishmen who take part in the proceedings at nominations? Why, the representatives of muscular Christianity—prize-fighters and people of that sort. I have spent as much money in retaining the services of those gentlemen as anybody in this House. One of my most efficient supporters in Nottingham was a gentleman who was always clothed as a clergyman of the Church of England, but whose true profession was that of ex-champion of England—Bendigo by name. This is a sample of your true-born Englishman on whose behalf we are to strike out the 1st clause. The clause is essential to the utility of the Bill. If you wish to improve the proceedings at elections and make people reasoning men, do away with nominations. It is all very well for the quiet inhabitants of Dorset to stand up for nominations; but look at the boroughs of this kingdom, not only in England, but in Ireland too. The hon. Gentleman who moved the omission of the clause said, in the simplicity of his heart, that we might do away with open-air meetings, and hold the nomination in some hall or public room. Why, there is more security in open-air meetings than in any other. In Ireland we have no open-air meetings. It is all done in a private room, where we run into infinitely greater danger. You may escape missiles at the hustings; but what are you to do in a closed room in a small Town Hall, where the galleries are seized *vi et armis* by opposing forces, and there is a general shindy to get the best place? Immemorial custom,

Mr. Osborne

indeed! I know it is a custom which often breeds disorder and riot. It is true wisdom to get rid of these immemorial customs, and thus make the proceedings at elections more quiet and orderly. The men who rejoice in nominations are not the electors, but men paid to be there, with a strong development of the biceps muscle and an uncommon power of roaring. These are your "true-born Englishman." I do hope that the Government, who have given way on so many other points, will now stand to their colours; and they will then do more for morality and good order than by many other things they have done lately.

SIR GEORGE GREY: As I served on the Committee alluded to by the hon. Gentleman opposite (Mr. Selater-Booth), and concurred in the recommendation of the majority of the Committee, I feel it my duty to state my reasons for supporting the Amendment. The Committee state fairly their opinion on the subject. They admit the fact that there are many cases, chiefly in Ireland, in which public nominations are attended by proceedings which are a disgrace to the places in which they occur. The addresses delivered at these nominations are, they say, sometimes inaudible on account of the interruptions which prevail, and serious disturbances occur. The hon. Member for Waterford (Mr. Osborne) has had a somewhat exceptional experience in these matters. He stood for Nottingham, and, as everyone knows, the proceedings at elections in that town are not only a disgrace to it—[MR. OSBORNE: Hear, hear!]—but are almost without parallel in any other town in this country. The Committee, however, say that in the majority of cases the proceedings at nominations are conducted in an orderly manner. I am of opinion that we ought not to depart from an ancient and a beneficial practice because it has in certain instances been abused. Let me take the case of political meetings at which disgraceful scenes sometimes occur, against which my right hon. Friend the Secretary for the Home Department has been appealed to afford protection. Does anybody suppose that because of such proceedings public meetings should be prohibited? Nobody can for a moment imagine that anything of that kind could

be done. We must in this world put up with the mixture of evil with good, and in the case which we are discussing the good, in my opinion, greatly predominates. More effectual means might be taken to prevent disorderly proceedings, instead of depriving the whole of the constituencies of the country of their constitutional right under the presidency of the High Sheriff in counties, and of the Returning Officer in boroughs, to choose, in obedience to the Queen's Writ, fit and proper persons to represent them in Parliament. One of the advantages of public nominations is that they afford a candidate an opportunity of meeting his opponents and criticizing their political opinions in their hearing in the presence of a meeting convened not by the candidates themselves, but fairly representing persons in the constituency of every shade of political opinion. By open nomination an opportunity is also afforded to a candidate to vindicate himself from any unfounded charge which may interfere with his prospects of success. I have not had the experience in contested elections of my hon. Friend the Member for Rochester (Mr. Wykeham Martin); but I have had some experience, for I have stood three sharply-contested elections for a borough in the South of England and two for a county in the North. I must, with that experience, say that I felt it a great advantage to meet my rival candidates face to face, and in their presence to try to justify my claim to the confidence of the constituency. When this is done with candour and good humour on both sides, candidates are, on the whole, listened to very fairly. There must, of course, be some interruptions; but not, as a general rule, carried to any great extent. Under the present system, also, candidates are liable to be subjected to cross-examination for the purpose of satisfying any reasonable doubt as to their political conduct and opinions, and they are placed in a position to answer frankly in the face of the constituency. There is, no doubt, sometimes considerable excitement at nominations; but, in my opinion, political excitement to a certain extent is wholesome, and it would not, I think, be desirable that anything like torpor and indifference should prevail in its stead. I look upon nominations, too, as constituting a means of promoting the

political education of the country. We are, I am afraid, becoming over-sensitive in these matters. The evils of nominations are not greater now, I believe, than they were at the beginning of the present century. We have all read the accounts of Westminster elections in former times. They were attended frequently by great disorder, and the candidates were exposed to much rougher treatment than in these days. Mr. Fox, however, was not afraid boldly to face these difficulties. He did not come to Parliament and ask to have substituted for public nominations nominations carried on in a private room, from which everyone is to be excluded but the Returning Officer, and some half-dozen privileged persons. I, for one, very much deprecate the proposed change, and I take the line which I am following in the present instance with the less reluctance because this clause has nothing whatever to do with the main object and principle of the Bill. If this clause be omitted every provision of the Bill with respect to the mode of taking votes at elections will still remain. I wish, in the next place, to say a word or two with respect to some of the provisions which are rendered necessary by the proposal to abolish public nominations. The Committee refer to such abolition as tending to fetter constituencies in the choice of representatives, and also as incurring the danger of the fraudulent withdrawal of candidates. The objections based upon both those considerations are, in my opinion, well-founded. Under the existing system any two electors may propose and second a candidate who comes forward on the day of nomination, and when the candidate has been proposed and seconded after a show of hands he is not allowed to withdraw, and becomes in a certain degree the property of the constituency, if a poll is demanded in the event of the show of hands being against him. Under the Bill, however, a candidate may withdraw at the last moment, leaving no time to the constituency to nominate another in his place, and to that extent depriving them of a liberty of choice. It is possible a wealthy candidate might find it his interest to influence a poorer candidate and to induce him to withdraw, so that a state of things which is now impossible might easily occur if the Bill, in its present

shape, becomes law. The complexity of the regulations which the abolition of public nominations renders necessary is one of the reasons why I am opposed to that abolition. Under the existing system a candidate appears on the hustings, he is duly proposed and seconded, and the constituency know all about him. Under the new system there is to be a nomination paper, and there is to be a power given to any person who wishes to object to the nomination to state his objection to the Returning Officer during the time fixed for the nomination or within an hour afterwards, and the Returning Officer is to be the sole judge of its validity. Now, Returning Officers are not all infallible, and the objection may be wrongly allowed. Where is the remedy of the candidate? It may be in many cases impossible to present a Petition to Parliament against the return and to try at his own expense the question before the Election Judge. But if he does so and succeeds he cannot get the seat, though his nomination may have been quite in order. But the main ground on which I rest my defence of public nominations is that they afford candidates the opportunity of fairly and openly stating their opinions before the constituencies. I am desirous, if we are to have secret voting, that the conduct of our elections should be attended with as great an amount of publicity as can be retained in the exercise of a constitutional right and performance of a public duty.

Mr. DODSON said, he hoped this question would not be decided by appeals to sentiment and immemorial practice, or to the superior courage of Fox in standing on the Westminster hustings to be pelted with cabbage stalks and other missiles, but by the application calmly of common sense. The real question was, what was the use of public nomination followed by a show of hands? Was it really of any use; and, if so, were its advantages so great as to outweigh its disadvantages? Originally elections were decided by a show of hands. The freeholders were summoned to a particular place for a certain hour on a certain day, and made their choice by acclamation, and the election was practically decided there and then. Down to the time of James I. or Elizabeth it was a moot point whether the granting of a poll was not in the discretion of the

Returning Officer; but gradually a poll was invariably resorted to in cases of contested elections. In these days no one would say that the show of hands decided the election in the event of a contest, or even guided the course of a candidate. No candidate really intending to try to be returned to Parliament was deterred by the show of hands if it should go against him, for he knew that the show of hands was valueless as an indication of the feeling of the electors. Such being the case, it might be asked what made persons anxious to obtain the show of hands? The only reason was that there still remained a sort of lingering feeling or superstition in the minds of election agents, committee men, and candidates that if they obtained the show of hands it created a prestige in their favour, and had some effect on a certain number of voters, who liked to be on what seemed the winning side. He was surprised to hear the right hon. Gentleman (Sir George Grey) argue that public nominations tended to the political education of the people, for he was at a loss to conceive how such a purpose could be served by a candidate standing forward to be pelted with rotten eggs and flour, or something less agreeable. Such proceedings tended rather to foster brutality and cowardice. It was said to be desirable that candidates should be brought face to face with their constituents for the purpose of explaining their political views; but, in his humble judgment, public nominations were very valueless for that purpose. It constantly happened that the speeches of the candidates were roared into the ears of the reporters only, and, when printed in the local newspapers, they could have very little influence on the election, because the nomination day was one or two days only before the polling. A much better opportunity for candidates to make explanations and clear up misunderstandings was afforded by those public meetings which candidates attended some time before the approach of the election. The hon. Member who moved the rejection of the clause (Mr. Sclater-Booth) did so on the ground that nominations under the Bill would be secret. For his part, he supported the clause, not because it provided for secret nominations, but because it tended to secure orderly nominations without destroying any

Sir George Grey

wholesome publicity or depriving the electors of the opportunity of becoming acquainted with the character, ability, and the opinions of the candidate.

VISCOUNT BURY felt compelled to vote for the rejection of the clause. A Parliamentary election was now going to be one long, solemn, secret ceremony, and he thought it desirable to retain, as far as possible, any amount of publicity compatible with the other objects of the Bill. Nominations would be made so secret under the Bill that the electors would know nothing about them, and it was only when the ballot papers were put into their hands on the day of polling that they would learn from them what candidates had been nominated. Under the Ballot, trades unions would be the real moving power in politics, as their members would vote in organized masses. Individual electors, not belonging to organizations, would exercise little influence on the result. Meetings held before the election would not ensure sufficient publicity, inasmuch as they would be organized by candidates from among their own supporters; and, therefore, it was desirable that there should be public nominations, at which each candidate would be openly proposed and seconded. No one going before a constituency would like to forego the advantage of being proposed by some eminent and respected elector; but by the mode of nomination proposed by the Bill that advantage would be lost, as the nomination would be in secret.

MR. CHILDERS objected to the Motion for the rejection of the clause, both on account of form and substance. As regarded form, he thought it most inconvenient, after they had decided this question very lately and carried the clause by a larger majority than almost any other part of the Bill—["No, no!"] Then, perhaps, he might be permitted to say that after the partial discussions and divisions this year, and after the general principles had been decided last year by a larger majority than supported any other part of the Bill, it was an inconvenient course for the hon. Member now to take to propose the rejection of the clause without letting the House know what he proposed to substitute for it. This was especially inconvenient on the Report. They had had a great deal of experience of the working of public nominations in this country, and there had

been no small experience of the working of another system elsewhere. He had been twice asked publicly to explain the working of certain portions of the system of election by Ballot elsewhere, and, therefore, coming to that point, he should say that where Ballot had been substituted for open voting nominations had been abolished, and the result had uniformly been satisfactory, and none of the evils anticipated by his right hon. Friend the Member for Morpeth (Sir George Grey) and other Gentlemen had occurred. And what had been their experience of the existing system in this country? Only one special case had been pointed out, and it was said that great benefit had been derived from the addresses of candidates during the Westminster election. Allusion had been made to the speeches of Mr. Fox; but those speeches were delivered during the 20 or 30 days of the poll, not on the nomination day. In the great majority of cases the speeches on nomination days were set speeches, which were not often heard; and as to the effect of those speeches when heard, it was, he believed, correct to say the show of hands was, in the majority of instances, reversed by the result of the poll. He hoped the House would reject the Amendment.

MR. NEWDEGATE said, he wished merely to observe, with respect to what had fallen from the right hon. Gentleman the Member for Pontefract (Mr. Childers), that he was citing the experience of the youngest of their Colonies against that of both Canada and England; and he must be allowed to add that the tenor of the right hon. Gentleman's speech reminded him of the objection which most people entertained to accepting instruction from their children. In fact, it reminded him forcibly of the old saying about "teaching one's grandmother to suck eggs." He had had considerable experience of contested elections during the four or five contests he had stood. He had known occasions when attempts had been made to interrupt the proceedings. He had seen a thousand men sent to a nomination by train for the purpose of interruption; but he had seen such attempts put down, and order restored. By thus vindicating the rights which for years they had enjoyed, the people learnt the lessons of self-government, and he was convinced that the majority of that House, by seeking

to deprive the orderly inhabitants of the opportunity of catechising their candidates at the hustings, and by the course they were in other respects pursuing, were striking at the great principle of self-government.

MR. BOUVERIE said, if the House accepted this clause, a nomination would become so like a funeral that they might as well have the parish church bell tolled during the proceedings. Whatever the reception of the clause by the House, it would be essentially unpopular with the great body of the English people. If open nominations were abolished, the great mass of non-electors who now took part in the election by the show of hands would be deprived of that right, and the election would then be a matter to be settled only between the electors and the candidates. That would be most unpopular. Nominations were, in fact, the means of an education in politics to the great mass of non-electors, and they were the only practical, feasible method by which they could start a candidate in a simple, plain manner without these technicalities of procedure specified in the schedules, a failure in which would afford the readiest means of upsetting an election. Several provisions in those schedules presented a mass of traps, pitfalls, and snares which would undoubtedly be laid hold of by active election agents; and as the Returning Officer was in certain cases the sole and final judge with regard to the validity of voting papers, it might turn out that of the two electors who were to nominate a candidate, and the eight others who were to sign the nomination, not one might happen to be a registered elector, and a candidate thus be shut out without any poll whatever. The papers might be concocted by an astute election agent, so as to create these difficulties. It was of the utmost importance that the mode of starting candidates should be perfectly free from any technicality. If this clause were adopted, they would be opening the door to disputes and Election Petitions, and means of avoiding seats which had hitherto been entirely closed under the present system, and of which they were now utterly unaware.

Question put.

The House divided:—Ayes 253; Noes 177: Majority 76.

Mr. Newdegate

Offences at Elections.

Clause 3 (Offences in respect of ballot boxes and ballot papers).

MR. CHARLEY said, that when the Bill was in Committee they consented, on the Motion of the hon. and learned Member for Dewsbury (Mr. Serjeant Simon), to qualify certain offences named in sub-sections 4 and 5, by requiring that they should be committed "fraudulently;" but, as the Committee had proceeded too far to insert the word, a proviso was added to the effect that a person should not be convicted unless he had done one of the prohibited acts "fraudulently." He now proposed to get rid of this proviso by introducing the word "fraudulently" into the sub-section, and, as they contained the words "without due authority," which would be unnecessary if "fraudulently" were inserted, he proposed to omit them in order to insert "fraudulently." He also proposed to qualify the offences mentioned in sub-sections 3 and 6 in the same way. Therefore, from the third sub-section, "Without due authority supplies any ballot paper to any person," he moved to omit the words "without due authority" for the purpose of inserting the word "fraudulently."

Amendment proposed, in page 3, line 4, to leave out the words "without due authority."—(*Mr. Charley.*)

Question proposed, "That the words 'without due authority' stand part of the Bill."

MR. W. E. FORSTER remarked that the hon. and learned Member had given Notice of three Amendments on this clause. He could not accept the first of them, but had no objection to those on sub-sections 4 and 5, and the consequent omission of the proviso at the end of the clause. As for sub-section 3, it was thoroughly considered in Committee, and passed as it stood without a division. It was felt that there ought to be a restriction to "fraudulently" in sub-sections 4 and 5; but as it was then too late to insert the necessary words in the clause itself, a proviso was added. He had no objection to the insertion of the words in the body of the clause and the omission of the proviso.

Amendment, by leave, *withdrawn.*

MR. CHARLEY then moved in sub-section 4 to insert "fraudulently;" in sub-section 5 to leave out "without due authority," and insert "fraudulently;" and to leave out the proviso at the end of the clause.

Amendments agreed to.

Clause 4 (Infringement of secrecy).

MR. CHARLEY moved, in page 3, line 35, after "agents," insert—

"Shall communicate at any time to any person any information obtained in the polling station as to the candidate for whom any voter in such station is about to vote or has voted."

Without the insertion of some such Amendment, the words "officer, clerk, or agent" would be superfluous and devoid of significance. In his opinion, the right hon. Gentleman ought to extend to this part of the clause the principle which had been carried with regard to displaying a ballot paper—namely, that punishment should be inflicted, not on the voter who displayed his ballot paper, but on the person who induced him to do so. In like manner, he proposed that a penalty should be imposed on the person who induced an elector to state how he had voted. He contended that it was impossible to carry the clause as it stood into effect, and to impose perpetual silence on voters. Indeed, he had always thought the Ballot would fail to attain the object its supporters had in view; because supposing an elector declined to state for whom he had voted, his landlord or employer would have no difficulty of turning him out of his farm or employment if he could do so under the existing system. Therefore, he maintained that without some such Amendment as that which stood next on the Paper the Ballot would be practically useless.

Amendment proposed,

In page 3, line 35, after the word "agent," to insert the words "shall communicate at any time to any person any information obtained in the polling station as to the candidate for whom any voter in such station is about to vote or has voted."—(*Mr. Charley.*)

Question proposed, "That those words be there inserted."

MR. W. E. FORSTER said, he was unable to accept any of the Amendments which his hon. and learned Friend proposed to introduce into this clause. One of them would have the effect of relaxing the operation of the clause, while another

would greatly increase the penalty. The Amendment just moved would enable any person who was not an officer, clerk, or agent to communicate any information he might obtain as to how an elector voted. A division on this subject was taken in Committee, when it was agreed that the restriction must apply to all persons.

Question put, and *negatived*.

MR. CHARLEY next moved the omission of the word "summary," and the insertion of words to the effect that misdemeanours under the Bill should be prosecuted before a court of summary jurisdiction in the manner provided by the Summary Jurisdiction Acts. As the clause at present stood an offender might, under the provisions of Jarvis's Act, be tried by a single Justice in his back parlour. As, however, these were new offences, he thought it was only fair that persons charged with having committed them should be tried by two unpaid Justices or by a stipendiary magistrate.

Amendment proposed, in page 4, line 5, to leave out the word "summary," and insert, after the word "conviction," the words "by a court of summary jurisdiction."—(*Mr. Charley.*)

Question proposed, "That the word 'summary' stand part of the Bill."

MR. ASSHETON CROSS wished to know whether there was any limitation of the time within which a man could be brought before the Justices?

MR. MONTAGUE CHAMBERS said, he thought the omission of the word "summary" would be perfectly useless, if the object were to prevent cases being decided by a single magistrate. He would suggest that the words should run thus—"On summary conviction by two Justices or by a stipendiary magistrate."

MR. W. E. FORSTER said, he could not at that moment answer the question put by the hon. Member for South-west Lancashire (Mr. Cross), but promised to make inquiry on the point raised. He thought the object of the hon. and learned Member for Salford (Mr. Charley) might be attained by the addition after "conviction" of the words "before two Justices of the Peace."

Amendment, by leave, *withdrawn*.

Mr. W. E. FORSTER moved the insertion of the words "before two Justices of the Peace."

Mr. MONTAGUE CHAMBERS suggested the addition of the words "or a stipendiary magistrate."

Mr. HUNT said, he believed the latter words would be superfluous, as there was a General Act making a stipendiary magistrate equal to two Justices.

Amendment agreed to.

Mr. ASSHETON moved the insertion of words in the clause which would compel the authorities in boroughs as well as in counties to divide them into polling districts, and assign polling-places to each district. There were many boroughs which were as extensive as counties, and he did not see why the voters in such boroughs should not have the same convenience as those in counties. Another reason in support of his proposal was that whereas the cost of conveying voters to the poll might be paid in counties by the candidates, they could not be paid in any large boroughs, except in five which were specified in the Act of 1867.

Amendment proposed, in page 4, line 8, after the word "county," to insert the words "and of every borough."—(Mr. Assheton.)

Question proposed,—"That those words be there inserted."

Mr. W. E. FORSTER said, he could not accept the proposal. He thought that Parliament did not possess a sufficient knowledge of the circumstances of boroughs as compared with one another to be justified in laying down any stringent rule such as was applied to counties. It was felt by the Government that they could not go further in this respect than to provide that in boroughs the local authorities should take into consideration the division of the borough into polling districts, and report to Parliament, through the Secretary of State, the conclusion at which they had arrived.

LORD GEORGE HAMILTON reminded the House that as the Bill stood the local authorities would only have the option of dividing the boroughs into polling districts, and would not be able to assign a polling place to each district, as would be done in counties. He thought the one power without the

other would be of very little use, and might as well be omitted from the Bill.

Question put, and negatived.

Clause 6 (Use of school and public room for poll).

SIR HERBERT CROFT moved the insertion of words in page 5, line 27, to provide that Returning Officers might use schools aided by Government as polling places, unless they could "procure other convenient premises at a moderate cost." He thought the proposal was a very moderate one, and hoped the House would agree to it. Before sitting down he wished to call the attention of the right hon. Gentleman to a statement which he was reported to have made in a previous discussion upon this point. The right hon. Gentleman was reported to have said that the managers of rate-aided schools had the power already to allow the schools to be used as polling places. [Mr. W. E. FORSTER said, he had no recollection of having made this statement.] He was glad to hear the disclaimer, as the report had caused some surprise in his part of the country. If the House would pass his Amendment he should be perfectly willing to accept any words which would prevent the possibility of public-houses being used as polling places. It was said that, these being Government-aided schools, the Government had a perfect right to the use of them; but, as had been stated in a letter to himself by an Association of Schoolmasters, the Government stood to the schools in the relation not of proprietors but of contributors only.

Amendment proposed, in page 5, line 27, after the word "Election," to insert the words "unless he can procure other convenient premises at a moderate cost."—(Sir Herbert Croft.)

Question proposed, "That those words be there inserted."

Mr. W. E. FORSTER said, he could not assent to the Amendment. The matter had been fully considered, and it was the feeling of the House that this was a proper and patriotic use to which schools might be put. Considering the large share of public money which the schools received, the use of them on these occasions might fairly be requested,

and no single complaint had come to his knowledge from the school managers as to this provision in the Bill.

MR. BERESFORD HOPE regretted that the Amendment could not be accepted. He did not deny that if no other public buildings were available, the use of these schools was a *quid pro quo* which the State might properly require. But when the House recollected what an election was, and what it no doubt would remain even under this immaculate and transcendental system of voting, was it not desirable that the schools should be kept clear from association with politics? There was a chance of a row, and if in this row any damage was done to the school building, some days must elapse before it could be patched up, so that there would be an interference with the attendance of the children.

Question put, and *negatived*.

MR. W. E. FORSTER moved, in Clause 8, page 6, line 9, after "Act," insert—

"All expenses properly incurred by any returning officer in carrying into effect the provisions of this Act in the case of any Parliamentary Election, shall be payable in the same manner as expenses incurred in the erection of polling booths at such election are by law payable."

He expressed his regret that the proposal to throw the expenses on the rates had been rejected.

MR. HUNT said, some new expenses would be incurred under this Bill, such as the cost of ballot boxes. It would not be necessary that new ballot boxes should be made for every election, and if they were made to last for a generation it was unfair that the first candidate should pay the cost.

MR. W. E. FORSTER feared it would be impossible to make a fixed rule on the matter.

MR. RYLANDS said, there would be a number of fittings to put up as well, and they would be of a permanent character, to serve for the municipal elections. These would have to be provided for whichever election came first, and he thought the proper plan would be to charge them upon the municipality.

Amendment *agreed to*.

THE LORD ADVOCATE moved, in Clause 16, page 8, line 31, after "Scotland," to insert—

"5. The ballot boxes, ballot papers, stamping instruments, and other requisites for a Parliamentary Election shall be provided and paid for in the same manner as polling rooms or booths under the fortieth section of the Act of the second and third years of the reign of Her present Majesty, chapter sixty-five, intituled 'An Act to amend the Representation of the People in Scotland;' and the reasonable remuneration of presiding officers, assistants, and clerks employed by the returning officer at such an Election, and all other expenses properly incurred by the returning officer, and by sheriff clerks and town clerks, in carrying into effect the provisions of the Act, shall be paid by the candidates."

He said he wished to make one correction in, and one addition to, the clause as it appeared on the Paper. The correction was this—the Act to amend the Representation of the People in Scotland was referred to as of the reign of Her present Majesty, whereas it ought to be of the reign of William IV. The addition consisted of this—his hon. Friend the Member for Ayr (Mr. Craufurd) had put an Amendment on the Paper which was to this effect:—Page 29, line 1, after "Scotland," insert paragraph 57—

"The fee to be paid to each presiding officer shall in no case exceed the sum of three guineas per day, and the fee to be paid to each assistant to the returning officer, and to each clerk, shall not exceed one guinea per day."

Now, he (the Lord Advocate) proposed to adopt that as an addition to the subsection he proposed. He therefore begged to move the sub-section, together with the proviso of his hon. Friend.

MR. HUNT said, he thought if such a proposal were to be adopted at all, it should be in the form of a general clause applicable to the three kingdoms, and not in that of an Amendment tacked to a Scotch clause.

MR. W. E. FORSTER said, he could not speak as to the circumstances of Scotland; but the result of making the proviso general would be to increase the expense in England, where many of the presiding officers had not three guineas a-day.

MR. MONK considered uniformity of liability should be observed, and if candidates were to pay for ballot boxes in one country they should do so in all parts of the United Kingdom.

MR. HUNT wished to know whether the ballot boxes were to become the property of the candidates who paid for them?

THE LORD ADVOCATE explained that after the first election new implements would not require to be made, as the old ones would suffice for a number of elections.

MR. GOLDNEY said, he thought the Amendment dealt with matters of detail which were too minute for discussion at this stage of the Bill.

MR. MILLER said, the Amendment of the right hon. and learned Lord appeared to him to take Scotland out of the operation of Clause 14 of the Bill, under which the implements, if he might so call them, to be used at a municipal election might be used in a Parliamentary election, or the implements to be used in a Parliamentary election might be used in a municipal election, the effect of which would be that there would be but one set of ballot boxes, and so forth; and, in consequence, considerable expense would be saved to the candidates. Now, he should like to be informed by the right hon. and learned Gentleman whether the Amendment or addition which he had proposed, and which referred to ballot boxes, ballot papers, stamping instruments, and other requisites for a Parliamentary election, would take Scotland out of the operation of the 14th clause of the Bill as it stood, and thus deprive Scotch candidates of the benefit which it would confer upon candidates in this country?

THE LORD ADVOCATE said, his hon. Friend the Member for Edinburgh was good enough to ask—

MR. SPEAKER: The learned Lord has already addressed the House, and can only speak again by its indulgence.

MR. CAWLEY was of opinion that the Committee should not deal with the rates in the fragmentary manner proposed by the right hon. and learned Lord Advocate.

THE LORD ADVOCATE said, with the indulgence of the House he was prepared to answer the question put to him by his hon. Friend the Member for Edinburgh. He meant to explain—he was sorry he did not make himself understood or heard by the hon. Gentleman opposite who had just spoken—that he assented to the Amendment proposed by his hon. Friend the Member for Ayr to a different part of the Bill, because it appeared to him that the more convenient place for its introduction was to append it to the Amendment which he

had himself proposed. It related to the fees payable by the presiding officer; and he was of opinion that it was necessary to make some provision upon the subject, because otherwise there would be no limitation to the fees payable to that officer, or to his assistants and clerks, and it was obviously proper and convenient that there should be some limitation. As the limitation proposed by his hon. Friend was in accordance with the present law and practice, he thought it not inexpedient to adopt his Amendment.

DR. BALL said, it was impossible for the sheriff in the interval between the nomination and the polling to have these ingenious pieces of machinery constructed so as to be really impervious to view and defeat the various tricks practised at elections. It was unfair that the candidates should be asked to pay for those things. He thought that ballot boxes might be paid for out of the Consolidated Fund—a fund for which they had a great affection in Ireland. He objected to Irish candidates, who were not at all so rich as the English, being put to the expense of erecting screens to cover the voter, and other things of that kind.

LORD JOHN MANNERS suggested that it would be more advisable to take the Amendment of the hon. Member for Ayr (Mr. Craufurd) in its proper order, instead of proceeding with it by anticipation. Hon. Gentlemen might come down later in the evening prepared to discuss it in its due course, and then find that it had been already disposed of.

MR. HENLEY believed it would be unfortunate if one law in this matter were adopted for Scotland and another for the rest of the United Kingdom. It would be miserable economy, for the sake of a small saving, to put inferior persons in the responsible position of presiding officers; and mischief might arise from their doing so which it would not be easy to set right afterwards.

MR. GORDON said, the Amendment proposed was quite necessary. The regulation of the necessary expenses should be left in the hands of the sheriff clerks or town clerks, as the case might be, and not in those of the Returning Officer, who was a Judge, and not therefore in a position to enter into a contract for booths or to make the other necessary arrangements for an election.

When, however, they came to the first point—the ballot boxes, ballot papers, and so forth—it was said that they were to be provided in the same manner as the polling booths. It appeared to him to be a little hard that if an election took place, and there was no occasion for any polling, it should be necessary for the Returning Officer to provide these ingenious contrivances, the ballot boxes and the other paraphernalia of this new system of voting, and that the candidate who had derived no benefit from the proceeding should be subjected to the expenses of it. The first candidate in Scotland under the new system was to bear the expense, and was not to be recouped in any way by his successors.

Amendment agreed to.

MR. M'CARTHY DOWNING (for Mr. PRM) moved, in Clause 17, page 8, after line 39, to add as sub-section 3 the following:—

"The provision contained in the sixth section of this Act providing for the use of schoolrooms free of charge, for the purpose of taking the poll at Elections, shall not apply to any school adjoining or adjacent to any church or other place of worship, nor to any school connected with a nunnery or other religious establishment."

Amendment agreed to.

MR. M'CARTHY DOWNING next proposed a sub-section to Clause 17, that no Returning Officer in Ireland should be paid for polling-booths and compartments in court-houses and other public buildings other than the sums actually paid by him for the same. At present the sheriff, who always took possession of the court-house for the purpose of a polling booth, was entitled to charge for 12 compartments in a public building which did not cost him a farthing.

Sub-section agreed to.

MR. O'CONOR (for The O'CONOR DON) proposed, in page 9, line 8, to leave out the "first day of January," and insert the "fifteenth day of October." The result of this alteration would be that the voting arrangements would be in perfect order by the time the next General Election was held—namely, by October 15, 1873, instead of January 1, 1874.

Amendment proposed, in page 9, line 8, to leave out the words "first day of January," and insert the words "fifteenth day of October." — (The O'Conor Don.)

Question proposed, "That the words 'first day of January' stand part of the Bill."

THE ATTORNEY GENERAL FOR IRELAND (Mr. DOWSE) said, that the subject had been considered by the Irish Government, but the difficulties in the way of the Amendment were greater than were apparent. The polling places could not be got ready by the time mentioned in these Amendments unless all the subsequent dates were altered, and it would be necessary to have a special Revision Sessions in every county in Ireland. An appeal from the decision of the sessions must also be provided for, which would occupy several weeks. He should be glad if he saw his way to carry into effect the object aimed at by his hon. Friend. He admitted that with some difficulty the operation of the clauses could be accelerated by some months; but the Amendments on the Paper would be quite unworkable. As far as was in his power he would endeavour before the Bill became law to meet the wishes of hon. Members, unless he found this was absolutely impossible.

MR. O'REILLY remarked, that no sooner was the possibility of accelerating the operation of these provisions perceived six weeks ago than the attention of the Attorney General for Ireland was called to it by nearly all the independent Members from Ireland concerned in securing peaceful and satisfactory elections. He then admitted privately, as he had now done publicly, that the thing could be done, and he promised to look into it and frame provisions for the purpose. At a later period a Member of the Government, having no great confidence in Amendments standing on the Paper in the right hon. and learned Gentleman's name, urged the hon. Member for Roscommon (The O'Conor Don) and other Members to try and frame the requisite provisions. The hon. Member accordingly placed an Amendment on the Paper, and the right hon. and learned Gentleman's attention was called to it. He undertook to consider it, and see whether it was effectual for the purpose, and to give an answer on this point. The Amendment had remained on the Paper some time; but the right hon. and learned Gentleman's answer that it was not effectual was only

given privately at 6 o'clock this evening. The right hon. and learned Gentleman now admitted that the object was attainable, and undertook that during the progress of the Bill in "another place," where he would have no control over it, he would endeavour to carry it into effect. Why could it not be carried into effect before the Bill left this House? It was almost impossible for private Members to carry an Amendment, and he would appeal from the right hon. and learned Gentleman to the right hon. Gentleman in charge of the Bill. A pledge by him that the object should be attained would be frankly accepted.

MR. SYNAN urged that it was the duty of the Government to enable additional polling-places to be provided in Ireland, in the event of an Election in 1873. He could see no difficulty in arranging for special Sessions eight or ten months earlier than October, 1873, and surely the expense or the additional duty cast on the chairmen of Quarter Sessions was no obstacle?

MR. W. E. FORSTER, as his right hon. and learned Friend could not rise again, could only confirm what he had said. His right hon. and learned Friend was desirous of bringing the provisions as to polling places into operation as quickly as possible; but he found a difficulty—as was the case also in England—in extemporizing a register out of the usual time. He had on examination found it insuperable, or at least not surmountable without grave inconvenience—such as the work being done badly, and a considerable increase of cost. His right hon. and learned Friend would be glad to communicate with Irish Members, and would undertake, if the thing was found practicable, that it should be considered by those who would be in charge of the Bill in "another place." It was impossible now to assent to an Amendment which would be ineffectual for its purpose.

LORD JOHN MANNERS regarded the proposal that Irish Members should confer with the Attorney General for Ireland with the view of procuring the insertion of an Amendment in the House of Lords as one essentially Irish in its character. Why should not the matter have been considered in time for the insertion of the Amendment here? In England the difficulty had not been found insurmountable, and if the Bill, which he

forbore to designate by the epithet it deserved, became law, elections in some counties at an early date under the new-fangled system of voting would be accompanied by the additional polling places which the Government admitted to be necessary. In Ireland, however, as the Bill stood, those polling places could not be provided in time for elections next year. The reasons assigned for this were unsatisfactory. That an appeal from the decision of the magistrates might occupy some weeks was no reason why Ireland should be exposed to the risk of a General Election without additional polling places. If the hon. Gentleman went to a division, he should support him.

MR. M'CARTHY DOWNING said, the Attorney General for Ireland had given a pledge that he would do what he could in this matter. They all knew that right hon. and learned Gentleman's powers, and there could be no doubt that he could and would do what was required. If what was asked for were not done, the result would be this—if a General Election were held in 1873, elections in England and Scotland would be by ballot, but in Ireland they would be under the existing system. He thought his right hon. and learned Friend would take care that what was asked for was done.

SIR FREDERICK W. HEYGATE said, he thought the statement of the Attorney General for Ireland was not at all satisfactory. What needed correction in the Bill should be corrected in that House, and not left to be dealt with in "another place." The remedy asked for was a very simple matter. If that remedy were not provided, some electors would be 8, 10, or 12 miles from a polling place. He should support the Amendment.

MR. BRUEN said, when the Bill was going through Committee he drew attention to the fact that there were many schools which ought not to be selected as polling places, and the Attorney General for Ireland said he would put an Amendment on the Paper referring to that question; but no Amendment had been put on the Paper, and but for the Amendment of the hon. Member for the City of Dublin (Mr. Pim), he believed that matter of the schools would have been left unremedied. The hon. Member for Roscommon (The O'Connor Don)

Mr. O'Reilly

had put another Amendment on the Paper to remove another blot in the Bill, and this he (Mr. Bruen) believed was the proper time to deal with that question.

THE ATTORNEY GENERAL FOR IRELAND (Mr. Dowse) said, he did prepare an Amendment with regard to the schools and had it ready to put on the Paper; but his hon. Friend the Member for Dublin (Mr. Pim) came to him and said that he had an Amendment on the Paper on the same subject, and he (the Attorney General for Ireland) said he would accept it. That Amendment had been moved, and was accepted by the House, in the absence of the hon. Member for Carlow (Mr. Bruen).

Dr. BALL said, the difficulty in the clause was caused by the penuriousness with which everything relating to Ireland was treated. The Attorney General for Ireland would have been able to manage the whole matter if the money had been forthcoming for enabling a more rapid procedure to be made. Of course, if the money were not forthcoming the more rapid procedure could not take place; and there was this objection to leaving the matter to be settled by the House of Lords—that that House could not deal with money questions.

Mr. HUNT said, he thought the best plan would be to re-commit the Bill for the purpose of amending this clause, and that course could be adopted without causing much delay. It was not unusual to re-commit a Bill for a special purpose, and in this instance the process would not delay the Bill more than one day, for a little discussion would doubtless enable the House to arrive at some conclusion in the matter. Such a course would be more satisfactory than a postponement of the question to "another place."

Question put.

The House divided:—Ayes 130; Noes 90: Majority 40.

Sir MICHAEL HICKS-BEACH rose to move, in Clause 23, page 14, line 27, after "Parliamentary," to insert "and municipal." He said it would be recollected that on the Motion for going into Committee he proposed that this Bill should be referred to the same Committee as the Corrupt Practices Bill. He did so on the ground that the Ballot would introduce a considerable increase

of personation and other corrupt practices, and that, therefore, when bringing the disease into the country they ought to provide a remedy. The right hon. Gentleman at the head of the Government acknowledged to some extent the justice of the proposal, for he agreed to admit into this Bill two or three clauses out of the Corrupt Practices Bill. Some hon. Gentlemen did not think that enough; but he did not offer any objection. But how stood the case now? This clause, which defined personation under the Ballot, and imposed more severe penalties upon the offence, applied only to Parliamentary elections; but in the other part of the Bill it was provided that the new method of secret voting was to be adopted both at Parliamentary and municipal elections. Nobody would deny that municipal elections were as liable to personation as Parliamentary. But with regard to them the law as to personation was to remain as at present, while with respect to Parliamentary elections it was to be altered to suit the new method of voting. Under the present law the offence of personation was not held to be committed until the vote was recorded. Under this clause, however, it was provided that the offence should be held to be committed when the ballot paper was applied for. Under the present system of voting personation was checked mainly by the fact that the vote could be traced and struck off the poll. But where the vote could not be traced some further safeguard was necessary, and that was provided as regarded Parliamentary elections by the present clause. What he asked was that the same safeguard should be extended to municipal elections. They all knew that corruption of various kinds was practised at municipal elections with a view to secure the Parliamentary elections for the same side. It was evident, then, that the same stringent measures were required in both cases, and that it would be of no use at all to provide them for Parliamentary elections alone. It might be said that the hon. and learned Member for Taunton (Mr. James) proposed to deal with the subject of municipal elections; but the experience of the Session was not very encouraging as to the prospect of legislation in the hands of private Members. The right hon. Gentleman had admitted that personation would become a much more serious

evil, and require more stringent remedies, under the new system of secret voting. He was justified, therefore, in asking that these more stringent remedies should be provided in every kind of election to which secret voting was to be applied. He begged to move the Amendment.

MR. W. E. FORSTER said, the difficulty in accepting the Amendment was that the machinery of this clause was adapted only for Parliamentary elections, and the mode of trying Petitions in Parliamentary elections. The amendment of the law, not only as to personation, but as to corrupt practices at municipal elections would, he hoped, be treated separately, and if it was not dealt with this Session, it could not be delayed much longer. Meanwhile, it would be inconvenient to attempt to make clauses intended for Parliamentary elections and the Parliamentary election tribunal apply to personation at municipal elections.

DR. BALL said, there was no legal objection to the adoption of the Amendment which would make personation a criminal offence, whether committed at Parliamentary or municipal elections, leaving the offence to be punished by the ordinary tribunals of the country. As to dealing with the subject by another Bill he did not think there was any prospect of that, for there was a Bill coming from the other House in which he was interested, and he saw no chance of its being put down in that House till July 31.

MR. ASSHETON CROSS said, he hoped the right hon. Gentleman would consent to the Amendment. It was acknowledged on all hands that personation at municipal elections trained people to perpetrate the same practices at Parliamentary elections. Why not put a stop to those practices at once? Let the offences of personation be made a felony, whether it was at a Parliamentary or a municipal election.

MR. CANDLISH said, he thought it would give great satisfaction on both sides of the House if the right hon. Gentleman would adopt this Amendment. There was much more personation at municipal than at Parliamentary elections, because the former elections occurred three times as frequently. In both cases the crime was precisely the same, and he hoped there was no machinery in the clause which would make it impossible to deal with it.

Sir Michael Hicks-Beach

MR. W. E. FORSTER said, the Government were quite as anxious to check personation at municipal as at Parliamentary elections. He had been under the impression that, as regarded municipal elections, the offence could not be included in the clause; but as his hon. and learned Friend (the Solicitor General) did not agree in this construction, he was quite willing to adopt the Amendment.

Amendment agreed to.

SIR MICHAEL HICKS-BEACH moved the omission, at the end of Clause 26, of the words, "and shall apply to any election for a University or combination of Universities." There were, he pointed out, no such things as ballot papers in the case of University elections; and as the mode of voting in those elections was not to be changed, nothing in this clause ought to apply to such elections. When the Bill of last year came before the House, it contained provisions applying to them; but on the Motion of his hon. and learned Friend the Member for the University of Glasgow (Mr. Gordon), these provisions were omitted, with the unanimous assent of the Committee.

Amendment proposed, in page 16, line 19, to leave out from the words "and snall," to the word "Universities," in line 20, inclusive."—(*Sir Michael Hicks-Beach.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

MR. W. E. FORSTER said, Clause 23 had already been made applicable to municipal elections, so far as it was pertinent to them, and he saw no reason why the present clause should not be made applicable to University elections under the same conditions. Why, he should like to know, should not the punishment for personation be quite as severe in the case of University as of any other elections? What particular privilege should Universities have? Why should the offence be a felony in the City of London, and not in the University of Oxford or Cambridge? There was another part of this clause which applied as much to Universities as to other elections, and that was that the candidate who had anything to do with per-

sonation should lose his seat. He did not believe there would be a greater amount of personation under the new system than under the old; but, whether there was more or less, the offence was of equal magnitude.

MR. GATHORNE HARDY said, there was some difficulty with respect to the construction of the clause. The first part of the section was incompatible with the second. The legal advisers of the right hon. Gentleman would, he thought, tell him that having defined the offence of personation in the first part, the second part must be assumed to apply to the definition.

THE SOLICITOR GENERAL replied that the definition in question was a mere addition to the existing law, and did not repeal it. It was not an exclusive definition, and consequently the offence of personation still remained.

MR. BERESFORD HOPE said, that though they were bound to abide by the authority to which they had listened, the words seemed to him to be very exclusive.

THE ATTORNEY GENERAL FOR IRELAND (MR. DOWSE) said, that the use of the words "county or borough" showed that the clause did not apply to Universities.

Question put, and *agreed to*.

MR. HUNT moved in First Schedule, Rule 1, at end, add—

"And in the case of a county election send one of such notices by post, under cover, to the postmaster of the principal post office of each polling place in the county or division of the county, endorsed with the words 'Notice of Election,' and the same shall be forwarded free of charge; and the postmaster receiving the same shall forthwith publish the same in the manner in which post office notices are usually published."

The right hon. Gentleman explained that the object of the Amendment was to limit the expenses of elections. At present Returning Officers, for the purpose of making known when an election would be held, sent deputies to each of the polling-places to proclaim the day. Now that the number of polling-places was likely to be greatly multiplied, that was a practice which would be productive of very considerable expense, and he therefore proposed that it should be sufficient for the Returning Officers to send copies of the notice to the postmaster, who should make it public as

VOL. CCXI. [THIRD SERIES.]

was usual in the case of post office matters.

Amendment agreed to.

MR. GOLDNEY moved, as an Amendment on the First Schedule, Rule 8, the insertion of words permitting a Returning Officer to appoint a deputy in the event of his requiring to leave the polling-booth. The hon. Gentleman remarked that the Returning Officer might be called away by illness, or accident, or by design, or by riot, and he therefore ought to have the power of appointing a deputy.

Amendment proposed,

In page 20, line 22, after the word "Election," to insert the words "or in the event of the absence of the returning officer, to a person specially appointed by him as his deputy, to receive such nomination papers during his absence. And no returning officer shall leave the place of Election during the time appointed for the Election, without first appointing in writing a person to act as such deputy for the purpose aforesaid."—(Mr. Goldney.)

Question proposed, "That those words be there inserted."

MR. W. E. FORSTER trusted the Amendment would not be pressed. The duties of the Returning Officer were so important that he did not wish to encourage their performance by deputy.

Amendment, by leave, withdrawn.

MR. HUNT moved in Rule 9, at end, add—

"And, in the case of an election for a county or division of a county, deliver to the postmaster of the principal post office of the place of election a paper, signed by himself, containing the names of the candidates nominated, and stating the day on which the poll is to be taken, and the postmaster shall forward the information contained in such paper by telegraph, free of charge, to the several postal telegraph offices situate in the county or division of a county for which the Election is to forthwith at each such office in the manner in be held, and such information shall be published which post-office notices are usually published."

Amendment agreed to.

MR. RYLANDS rose to propose an Amendment with reference to the nomination of candidates. According to the Bill, if there was any defect in the nomination papers, and that defect was discovered within an hour after the expiration of the time appointed for the election, the Returning Officer might decide that the defect was fatal, and strike off the name of the candidate to whom the objection applied. Under this provision

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of the Bill, a gentleman who had represented a constituency for a great number of years might be struck off the list of candidates in consequence of its being discovered that one of the persons signing his nomination paper was not a registered elector. He thought there was no necessity for such a strict regulation.

Amendment proposed,

In page 21, line 11, to leave out the words "before the expiration of the time appointed for the election, or within one hour afterwards," in order to insert the words "at or immediately after the time of the delivery of the nomination paper."—(*Mr. Rylands.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

MR. W. E. FORSTER said, it would not be possible for the objection to be taken at the moment of the delivery of the nomination paper, as some little time must be allowed for consideration.

MR. ASSHETON CROSS said, he thought that the object of the Amendment was not understood. It would be a serious thing if through some mistake one of the persons nominating a candidate happened not to be a registered elector, and that defect should not be discovered until one hour after the delivery of the nomination paper. There would then be no time to correct the mistake, and the candidate would be struck out of the nomination paper.

MR. SYNAN said, he thought that some other mode than that proposed for amending this part of the Bill should be adopted.

MR. BOUVERIE said, that under the new arrangements there must be a scrutiny of the ten names upon the nomination paper. All the nomination papers might be open to objection, and in the end there might be no candidate, and consequently could be no election. This was one of the consequences of the abolition of the old system of nomination. The moment this system was introduced they would become involved in all these technicalities and difficulties.

MR. CANDLISH said, he did not think that the Amendment would get rid of that difficulty. He would suggest that additional time should be given to the Returning Officer to correct imperfections or informalities of this kind.

MR. HERMON wished to know what would invalidate a nomination paper? If

Mr. Rylands

an elector who signed the nomination paper spelled his name in two different ways, and his name were challenged, would that be sufficient to invalidate the nomination?

MR. GOLDNEY put a case which had occurred in a scrutiny under the Election Petition against the return for Oldham. An elector, whose name appeared on the register as "Jinks," gave his name to the polling clerk as "Ginks." Mr. Justice Blackburn decided that the vote was bad, and struck it off the register. After such a decision, in a similar case, the Returning Officer would be bound to reject the name, and the nomination would be defective.

VISCOUNT BURY remarked that there might be five candidates, so that the names of 50 electors would be handed to the Returning Officer as signing the nomination papers. He would have to decide whether all these papers were in proper form. Suppose the Returning Officer, who was vested with such plenary powers, did not know all these voters, or committed an error in regard to any one of them, there would be no opportunity for him to reconsider his mistake, and the nomination would fail through his default. He did not think one hour sufficient space to allow the Returning Officer for that purpose.

MR. COLLINS believed that they were making a mountain of a mole-hill. Candidates need not restrict the number of voters signing the nomination paper to eight; it might be signed by 20. If candidates could not select eight good men out of the whole constituency, there would be nobody to blame but themselves.

Question put, and *agreed to.*

MR. HUNT observed, that under the Bill a nomination might be rendered invalid by the slightest mistake. He moved to insert the words, that "no nomination paper should be deemed to be invalid by reason of a defect of form only."

Amendment proposed,

In page 21, line 18, after the word "return," to add the words "Provided always, That no nomination paper shall be deemed to be invalid by reason of a defect in form only."—(*Mr. Hunt.*)

Question proposed, "That those words be there added."

MR. W. E. FORSTER said, he thought it was quite possible the addition of

these words would enable the nomination to be conducted very differently from what was intended by the Bill. The form prescribed in the Schedule was sufficiently plain.

Question put.

The House divided:—Ayes 183; Noes 241: Majority 58.

MR. W. E. FORSTER said, he would briefly describe the nature of the Amendment he had put upon the Paper with regard to the hours of polling. The Committee seemed to be of opinion that there was a grievance in this respect, especially in the case of working men, and that it would be advantageous to prolong the hours of polling, if such an alteration could be made without danger to the public peace. At the same time, many hon. Members believed that it would be extremely hazardous to carry on elections in the dark, and therefore his right hon. Friend at the head of the Government promised to consider the subject with the view of introducing an Amendment on the Report. He had now to propose that the poll should close at 8 o'clock in the evening in May, June, July, and August; at 7 o'clock in March, April, September, and October; and at 5 o'clock in the other months of the year. In regard to the hour proposed for the winter months, he might mention that as it was the poll was now kept open till 5 o'clock in Ireland and in English counties. A General Election was rarely held in the depth of winter. It might, perhaps, be objected that the interests of the working classes were more considered in one part of the year than in another; but he did not think this objection was well-founded, because the Government had endeavoured to consider their interests throughout the year as much as they possibly could. Of the 19 General Elections which had been held in the present century, nine had been held in those months in which it was proposed to close the poll at 8 o'clock; six in those periods of the year when the poll would be closed at 7; and only four in the winter months. Again, in the last century six General Elections, were held in May, June, July, or August; 12 in March, April, September, or October; and only two in the winter months. It was also worthy of remark that of the six elections which had occurred in the winter since the commencement of

the 18th century, two were owing to the demise of the Sovereign—Queen Anne and George III. The last General Election was, as everyone must remember, held in the winter under very exceptional circumstances. It would be necessary, he thought, to add the following words to the Amendment—"Except in the county of Orkney and Shetland, where the poll shall continue for two consecutive days," as in those islands a poll of less than two days would be most inconvenient.

Amendment proposed,

In page 21, line 25, after the word "Election," to insert the words "The poll at a Parliamentary Election shall continue for one day only, except in the county of Orkney and Shetland, where the poll shall continue two consecutive days, and shall commence at eight o'clock in the morning, and shall be kept open until the hour hereinafter mentioned, and no longer, that is to say:

- (a.) If the poll is held during the months of May, June, July, or August, until eight o'clock in the afternoon;
- (b.) If the poll is held during the months of March, April, September, or October, until seven o'clock in the afternoon; and
- (c.) If the poll is held during the months of November, December, January, or February, until five o'clock in the afternoon."

—(Mr. William Edward Forster.)

Question proposed, "That those words be there inserted."

MR. ASSHETON CROSS said, he should propose an Amendment to the effect that at all times of the year the poll should close at 5 o'clock. It was almost essential that the time of polling should be absolutely certain, as otherwise the more ignorant voters would never know at what hour the poll was actually to close. [*Murmurs.*] He did not think this was by any means a fanciful objection. The Government were professedly extending the hours of polling for the purpose of giving facilities to the working men, but they would say—"If you choose to have an election in the winter time for purposes of your own, you are practically depriving us of our votes." If the right hon. Gentleman's proposal were adopted, the turmoil of the election would extend over two days in counties and large boroughs, because it would be absolutely impossible to get the votes counted the same night if the poll were kept open until 7 or 8 o'clock, and in many cases the ballot boxes could not be sent to the central office until the next day. The

inconvenience of keeping open the poll till a late hour was remarkably illustrated by the elections for members of the London School Board, when the experiment was tried of keeping the poll open till 8 p.m. A Gentleman, whose words he would quote, said he much doubted whether this was really of any advantage to the working men, because a large number of them put off voting till the last hour, and the result was, that in several places they found it difficult to record their votes at all. The same Gentleman expressed his belief that it was not desirable to hold out an inducement to voters to poll late. The Gentleman from whom he was quoting went on to say that prolongation of time was of no use, and he did not see how, if it was to be prolonged at all, they could stop short of 9 or 10 o'clock. These were the words of the right hon. Gentleman who had charge of the present Bill. The right hon. Gentleman, in his speech in support of his present proposal, made two great omissions. He had not answered any of the arguments which he used in 1870, in answer to the proposal of the hon. Member for Chelsea (Sir Henry Hoare) to keep open the polls to 8 o'clock, nor had he explained the nature of the circumstances which had induced him to change the opinions he held at the time of the first school board elections in the metropolis. He thought great practical inconvenience would arise from adopting the proposal of the right hon. Gentleman, and being of opinion that 5 o'clock all the year round would meet with general approval throughout the country, he moved, as an Amendment to the proposition of the right hon. Gentleman, that all polls throughout the kingdom should cease at 5 o'clock in the afternoon.

Amendment proposed to the said proposed Amendment,

To leave out from the first word "until," to the end of the said proposed Amendment, in order to insert the words "five o'clock in the afternoon,"—(*Mr. Cross.*)

—instead thereof.

Question proposed, "That the words 'the hour hereinafter mentioned' stand part of the said proposed Amendment."

MR. MUNTZ said, he could not agree with either the proposal of the right hon. Gentleman or the Amendment which had been proposed. From time imme-

morial the practice had been to close polls in boroughs at 4 o'clock, and in counties at 5, and he could see no reason to alter that system, unless an alteration was proposed the effect of which would be to give greater voting facilities to the large number of working men who had been recently enfranchised. To keep open the polls till 5 or 6 o'clock would give no such facilities, and in point of fact he believed that the whole thing was nonsense. From his experience of elections, he did not remember a case where the voters were not nearly polled out by half-past 3 o'clock in boroughs. He could not conceive that an extension to 5 or 6 o'clock would be of the slightest advantage to working men voters if they were at work; but, as a matter of fact, working men generally never worked on the afternoon of a contested election; and if the time were extended a number of persons would, without the slightest real necessity, put off voting until the last moment just as they did at the present time. At any rate it was desirable that the excitement of an election should not continue into the hours of darkness, when no one knew what might result, and with that in view, he suggested that while in June, July and August the poll might be kept open until 8 o'clock, it should be closed at 4 in the other months of the year. That experiment might be tried to see if it would be for the benefit of the working men who had votes.

CAPTAIN GROSVENOR said, one strong objection to the proposal of the right hon. Gentleman was, that it would throw a difficulty in the way of a dissolution of Parliament at any time of the year when the sun set earlier than 8 o'clock. To adopt the system of the right hon. Gentleman would lay all future Ministries open to the charge of forcing on a dissolution at one period of the year, rather than at another, from party considerations. He could imagine no position more disastrous to the general course of legislation than one in which a Minister who enjoyed the confidence of a majority in that House might run the risk of being taunted that his majority did not represent the true feeling of the country, because the Parliament was elected at a period of the year when a large and important body of the electors were hampered by vexatious restrictions upon the exercise of their franchise. He agreed with the hon. Member for Birmingham

Mr. Assheton Cross

(Mr. Muntz) in deprecating any proposition which would carry on the polling far into the obscurity of night; but, at the same time, he thought that with an extended franchise increased voting facilities ought to be given, and he would, if in Order, move as an Amendment to the proposal of the hon. Member for South-west Lancashire (Mr. Cross), that the polls should be opened at 6 o'clock instead of 8 o'clock in the morning. Whether his Amendment was accepted or not, he should, at any rate, have had the satisfaction of protesting against a proposal which would create evils far worse than those it was proposed to remedy.

MR. VERNON HARCOURT said, he hoped the hon. Gentleman would adhere to his proposal, as there would be great dissatisfaction among the working men if the promise—implied at least—which was given to them on this subject was not kept. The Amendment of the hon. Member for South-west Lancashire (Mr. Cross) that 5 o'clock should be the hour would be of no use, for it made very little difference to the working man whether the poll closed at 5 o'clock or at 4. He had heard with some surprise one Member for Westminster (Captain Grosvenor) soliciting the Government not to extend the hours for the working men; but he should be still more surprised if the other Member for Westminster who sat on the opposite side would take the same view. An objection to the extension of the hours of polling had been taken on the ground that there would be danger from voting in the dark. But, living in London, and frequenting this and other houses in the evening, he was very little conscious whether it was day or night. Gentlemen walked out of this House at night and found it nearly as light as in the day. To say, therefore, that there would be difficulty in carrying on an election by gas seemed to him not a very forcible objection.

MR. R. N. FOWLER said, he had listened with great pleasure to the suggestion that 6 o'clock in the morning should be the time for opening the poll. It struck him—though in this, perhaps, many would not concur with him—that 5 o'clock in the morning would be better still. If the men went to work at 6, and the poll were opened at 5, they could record their votes before going to their duties, without any interference by their

employers. He thought this would do better than keeping the poll open late in the evening.

MR. KAY-SHUTTLEWORTH said, that if the proposal of the right hon. Gentleman the Vice President of the Council was accepted the poll would be open on the 31st of August until an hour and a-half after sunset; on the 11th of December until an hour and a-quarter after sunset; and on the 31st of October until two hours and a-half.

MR. JAMES said, the best course to take would be to reject all the Amendments, and leave the matter as it was. The objections to the change proposed by his right hon. Friend were many and great, and its recommendations slight. A small number of working men in the metropolis who were employed out of the districts in which they lived were said to desire this change. But these men formed but a small portion of the community, and if they desired to take a holiday to go to the Crystal Palace or for any other purpose their employers generally granted it, and at elections often paid them too, in order that they might have an opportunity of voting without incurring loss. It would be almost impossible to carry on elections under the new system if the Amendment of his right hon. Friend was adopted. They were about to increase the number of polling-places, and that would make it necessary that the number of agents and presiding officers should be increased also. But where would they get competent men to perform the duties if they were asked to remain in a booth from 8 o'clock in the morning until 8 o'clock at night? In addition to that, they would never get a statement of the poll on the same evening, and that would necessitate the watching of the ballot boxes, and a dealing with them would be suspected if it did not actually occur. These were only some of the many objections to the proposal of the right hon. Gentleman. As for the Amendment of the hon. Member for South-west Lancashire (Mr. Cross), that would confer no advantage whatever on working men. He hoped, therefore, the House would leave the hours as they were.

MR. HENLEY said, that if the polling time were fixed for 12 hours some adjournment must take place, as it was quite impossible to expect during that period from the Returning Officer, who alone was held responsible for the duty,

so long a continuance of the service. Any person who had experience of sitting 12 hours at a stretch knew the difficulty of keeping attention awake for so long a period. The proposed change would extend the time of polling to a very convenient time for letting money run. It would be continued to a time when brandy and water would be flowing freely, and things would be done in the last two hours that all would wish should not be done. He would gladly support any Motion to shorten rather than lengthen the hours of polling.

MR. SAMUDA said, that his experience was that to lengthen the hours of polling would not benefit the working classes. The general practice of working men who took an interest in an election was to poll early. No employer would think of preventing this, and if he attempted to do so he would fail. Under the present system elections were virtually over by 2 o'clock in the day. He hoped the hon. Member for South-west Lancashire (Mr. Cross) would withdraw his Amendment.

MR. ASSHETON CROSS said, he would withdraw his Amendment, and take the division on the original Amendment.

MR. W. E. FORSTER said, he had, with a view to come to a sound conclusion on the matter, furnished himself with tables of the time of sunset in various parts of the country upon the first and the middle of each month, and, without troubling the House with the particulars, he believed that if the House accepted the Amendment there would be few, if any, more elections in the dark than there were now. The feeling of the House, however, seemed to be against the Amendment, and much divided on the question as to whether there should be any change at all. The proposal was quite outside the Bill, and he could not deny that the balance of opinion was in favour of allowing things to remain as they were. He therefore proposed to withdraw the Motion.

On Question, "That the Motion be withdrawn,"

MR. DIXON said, he had listened with great regret to what had fallen from the right hon. Gentleman. He wished to remind him that on a previous occasion the House had expressed its opinion in a very unmistakeable manner on

Mr. Henley

this question, and his right hon. Friend stated distinctly at that time that he would submit this Amendment to meet the feeling of the House, and now when they came prepared to accept the Amendment as a compromise, and when hon. Members refrained from taking up the time of the House in order that the measure might be passed that night, they were to be told that their silence was to be interpreted into a change of that opinion. Now, he ventured to say that there was not a Member of the House who had changed his opinion on the subject. Under these circumstances he should feel it his duty to divide the House on the question.

MR. M'CARTHY DOWNING approved the course adopted by the right hon. Gentleman, and remarked that this was not the first time he had been led into error by listening too readily to a small section of the House. The present hours had always worked well in Ireland. After an election experience of 30 years, he could state that he had never known a man lose his vote for want of time to go to the poll.

MR. OSBORNE MORGAN asked whether there was a single Member who could give a single instance of a voter having lost the chance of polling through the early hour at which the poll closed?

MR. GLADSTONE said, the hon. Member for Birmingham (Mr. Dixon) had expressed what was very well known, that he entertained a very strong feeling on the subject, and earnestly desired to lengthen the hours of polling from motives which did him honour. But the House was not so decided on the subject. At first there seemed to be considerable desire for the change; then there seemed to be no unity of opinion on the question, and now the balance of opinion seemed to be clearly against a change. Under these circumstances, as the hon. Member for Birmingham would not allow the Motion to be withdrawn, the manly course for the Government, having abandoned the Amendment, would be to vote against it.

Amendment to the said proposed Amendment, by leave, *withdrawn*.

Original Question put, "That those words be there inserted."

The House *divided*:—Ayes 48; Noes 350: Majority 302.

Amendment proposed, in page 22, line 15, after the word "station," to insert the words "together with a clerk to assist him in taking the poll."—(*Mr. Rylands.*)

Question proposed, "That those words be there inserted."

MR. W. E. FORSTER objected to the Amendment on the ground that although undoubtedly in a large majority of cases a clerk would be required to assist the presiding officer, still in many cases the attendance of such a person would be useless.

MR. COLLINS reminded the House that the presence of a polling clerk would be no security for an accurate return, as was evidenced by the presence of the hon. Member himself among them.

Amendment, by leave, *withdrawn*.

MR. W. E. FORSTER moved in Schedule 1, Rule 26, page 23, line 14, after "Act," to insert "or of any voter who produces such a declaration and certificate as hereinafter mentioned that he is unable to read." The voter who was unable to read would be able to go before a magistrate, and on convincing him that he was unable to read he would be furnished with a certificate to that effect. He was still of opinion that a voter who was unable to read would have been able to record his vote by means of the ballot papers; but, accepting the decision of the House, he had proposed this Amendment in the belief that no hon. Member would object to this extra precaution against fraud being taken.

Amendment proposed,

In page 23, line 14, after the word "Act," to insert the words "or of any voter who produces such a declaration and certificate as hereinafter mentioned that he is unable to read."—(*Mr. William Edward Forster.*)

Question proposed, "That those words be there inserted."

SIR RAINALD KNIGHTLEY said, he thought the Amendment, if carried, would have the effect of disfranchising a large number of respectable voters in counties who would have to go four or five miles in order to find a magistrate, who, in all probability would be out when they reached his house, if he did not purposely absent himself. When they had obtained the certificate in question they would have to take it to the

presiding officer, who, after all, would be just as good a judge whether they could read or write as the magistrate himself. Had the Ballot Bill been a real instead of a sham measure there might have been some ground for taking the precautions proposed by this Amendment; but when the majority of the House had passed a clause permitting the voters to flourish their marked voting papers in the face, not only of the presiding officer but of the election agents, it was preposterous to pretend to insure secrecy. Believing, therefore, that the Amendment as it stood would be utterly useless, he begged to move to amend the Amendment by substituting the word "declares" for the words "produces such a declaration and certificate as hereinafter mentioned."

Amendment proposed to the said proposed Amendment,

To leave out the words "produces such a declaration and certificate as hereinafter mentioned," in order to insert the word "declares,"—(*Sir Rainald Knightley,*)
—instead thereof.

Question proposed, "That the words 'or of any voter who produces such a declaration' stand part of the said proposed Amendment."

MR. VERNON HARCOURT was of opinion that the Amendments placed the House in a very great difficulty with respect to the whole scheme of the Bill. The man who wished to vote secretly ought to be allowed to do so, but this Amendment would not enable the illiterate man to vote secretly. The first thing he would be called upon to do would be to go into a magistrate's room, and that, he imagined, was the very last thing that the illiterate voter would desire to do; and in the interests of those who desired to be protected from intimidation that was the very last thing they ought to be called upon to do. He might divide the illiterate electors into two classes. There was the honest and independent man who, owing to the misfortune of his education, had not learned to read or write—the man who in a tone which was familiar to many hon. Gentlemen said—"I am no scholar," but who was as well fitted to exercise the franchise as any member of the University. That was a class of man whose self-respect would prevent him from going before a magistrate and ticketing him-

self as a dunce. He would not go and ask a magistrate to give him a ticket-of-leave to exercise his right, and that was the class of man who would be disfranchised if the provisions under discussion were agreed to. There was, however, another and entirely different class of illiterate voters who would not object to take oath or make the prescribed declaration before a magistrate. He would go before the magistrate. And why? Because it would be made worth his while to go. That class of man would be the pot of ointment round which the insects of corruption would swarm and buzz, and there might be a sufficient number of such men to turn an election. Now, looking at those two different descriptions of electors, the proposal before the House was, in his opinion, a most objectionable one. How had it come about? It was originally no part of the Government scheme. On a former night his right hon. Friend the Vice President of the Council came down like Pharaoh to the banks of the Shannon, and picked up a Moses among the bulrushes of Limerick who disposed of the question. He could not on that occasion vote against the Amendment, because he was told that the illiterate voter would be disfranchised altogether, and he could not vote for it because he was told that he would be putting votes into the hands of the Returning Officer. He, therefore, took the only course which was open to him, and did not vote on it at all. But his right hon. Friend the moment the proposal was made accepted it, and then the right hon. Member for Buckinghamshire (Mr. Disraeli), with that adroitness for which he was remarkable, seeing the Vice President of the Council had walked into the trap, got up and immediately shut down the lid. Whereupon the hon. and learned Member for Taunton (Mr. James), who was the Archimandrite of secrecy, showed, more in sorrow than in anger, the consternation with which he was filled at the position in which he found himself placed. The voter, he might add, was, according to the provision under discussion, not only to be called upon to go before the magistrate, but he was to be examined. Exemptions had been introduced to meet the religious feelings of the Jews, then exemptions with regard to physical disabilities, and now much larger exemptions were proposed to be

made in reference to educational incapacity. Then would come the difficulties in the case of persons who desired to show their votes, and the difficulty with regard to the marks which were to be made, which would, he thought, be found to be a matter of very great difficulty indeed, because if a man were to be allowed to make any mark he liked, how could he be prevented, he should like to know, from making such a mark as would identify his vote? The difficulties, indeed, which beset the subject were greater than had been supposed, and those on the Liberal benches must take their share of blame for not having discussed it more fully last Session. If the Ballot by ball voting instead of by printed papers were adopted the difficulties would in a considerable degree be obviated. He did not think anybody in the House—and especially Her Majesty's Government, who had accepted Amendments from all quarters on the subject—could deny for a moment that a great deal of light had been thrown out by these discussions—that by the conflict of antagonistic minds upon this subject a spark of truth had been elicited. He would vote against the proposition of the Government, because he believed a respectable illiterate voter would rather not vote at all than go through the ordeal that was proposed.

Mr. W. E. FORSTER said, if by chance his hon. and learned Friend had to undertake the charge of a Ballot Bill he would meet with as many difficulties as those which he had started, and a great deal more. The Government had thought it worth while to encounter the difficulties connected with the Ballot in order to secure the advantage of secret voting. It was undoubtedly easier to say you would have a Ballot Bill than to prepare the details for carrying out the Ballot. The Amendment of the hon. Baronet (Sir Rainald Knightley) would make the Bill a purely permissive Ballot Bill. It would appear from what his hon. and learned Friend had said about the two different classes of voters who would be affected by this clause that he had not done him (Mr. W. E. Forster) the honour of attending to what he had said on this subject. His hon. and learned Friend said there was a class of illiterate voters who desired to perform their duty—and no doubt there was a great many such—but who dis-

Mr. Vernon Harcourt

liked going before a magistrate. He (Mr. W. E. Forster) believed they would not go before a magistrate, and that they would have the common sense to vote with the voting paper. But there was another class who might make a mark and who might be bribed or intimidated. His hon. and learned Friend said no means had been taken to put a check upon those men. But the fact was that the Government had introduced a provision requiring those men to appear before a magistrate to be examined.

MR. HUNT said, he believed all the difficulty on this point would have been avoided had the Government accepted the proposal to use colours in the voting papers. The proposition before the House would place a difficulty in the way of the illiterate voter. A voter who could read would have no reason for telling the Returning Officer that he could not read and asking the Officer to mark his paper for him.

MR. OSBORNE MORGAN said, that Gentlemen on the Conservative side of the House who had talked so much of protection for the illiterate voter talked as if a free-born Englishman was an idiot. Every Englishman who could not read or write could at least count enough to secure protection under this Bill with respect to his voting at an election.

MR. LEATHAM said, he voted in favour of secrecy the other night because he believed the Returning Officer would not divulge the mark of a voter.

MR. DENISON considered that this Amendment would deprive illiterate voters of the advantage of the concession made the other evening. A declaration to the Returning Officer would be sufficient.

MR. SYNAN congratulated the hon. and learned Gentleman (Mr. Harcourt) upon having had another opportunity of speaking against the Ballot Bill. He hoped on this occasion, however, the hon. and learned Gentleman would not, as he did on the last, act on the principle that—

"He who fights and runs away
Will live to fight another day."

But that, instead of going out of the House, he would record his vote. This Amendment was intended for the class who *bond fide* were not able to read, though they might be able to count. In

a portion of the country unless the Bill were carried with this Amendment, one-third of the electors would be disfranchised.

MR. ELLICE wanted to know why the illiterate elector was to be dealt with less favourably than persons of the Jewish persuasion. Persons of that persuasion were extremely numerous in this country, and in the City of London the election depended very much upon their suffrages. There was nothing in the clause relating to them which required that they should go before a magistrate, and why, then, should illiterate persons be required to do so? All who were either physically or morally unable to fill up their papers ought to be treated on the same footing, and his impression was that in practice it would be found that no fraud would be perpetrated.

MR. W. E. FORSTER explained that when he assented to the Amendment of the hon. Member for Limerick (Mr. Synan), what he really intended was that the declaration should be made before a magistrate.

MR. W. H. SMITH, as the representative of a large constituency, expressed his conviction that when ballot papers were to be filled up by the electors the result would be a large disfranchisement. A great number of persons at present abstained from going to the poll, and the result of the Amendment would be that a still larger portion would be deterred from recording their votes. He should, therefore, earnestly protest against any difficulties being thrown in the way of a voter obtaining the aid which under the clause as it stood he would be able to receive.

MR. CRAUFURD said, as it was impossible at that hour to discuss all the suggestions that had been made, he begged to move the adjournment of the debate.

Motion made, and Question proposed,
"That the Debate be now adjourned."
—(Mr. Craufurd.)

MR. W. E. FORSTER said, he hoped the House would be able to go to a division without adjourning.

MR. DISRAELI said, that they had arrived at a period of the Report when it appeared to him that the House should not hesitate to conclude the business of the evening.

Question put, and *negatived*.

Original Question put.

The House *divided*:—Ayes 183; Noes 168: Majority 15.

MR. COLLINS moved the adjournment of the debate.

MR. W. E. FORSTER said, he had hoped to finish the Bill that night; but it was useless, of course, to proceed if the hon. Gentleman determined to press his Motion at that hour of the evening.

Further Consideration of Bill, as amended, *deferred* till Monday next.

PIER AND HARBOUR ORDERS CONFIRMATION (NO. 2) BILL.

Considered in Committee.

(In the Committee.)

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to confirm certain Provisional Orders made by the Board of Trade under "The General Pier and Harbour Act, 1861," relating to Aldborough and Lynmouth.

Resolution reported:—Bill *ordered* to be brought in by Mr. ARTHUR PERL and Mr. CHESTER FORTESCUE.

Bill *presented*, and read the first time. [Bill 158.]

CATTLE DISEASES (IRELAND) ACTS AMENDMENT BILL.

Considered in Committee.

(In the Committee.)

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to amend "The Cattle Diseases (Ireland) Act Amendment Act, 1870."

Resolution reported:—Bill *ordered* to be brought in by Mr. WILLIAM HENRY GLADSTONE, Mr. BAXTER, and The Marquess of HARTINGTON.

Bill *presented*, and read the first time. [Bill 159.]

House adjourned at Two o'clock.

HOUSE OF LORDS,

Friday, 10th May, 1872.

MINUTES.]—PUBLIC BILLS—*First Reading*—Church of England Fire Insurance * (102); Local Government Supplemental * (103); Consolidated Fund (£6,000,000) *; Petroleum * (104).

Second Reading—Metropolis (Kilburn and Harrow) Roads * (94).

Committee—Intoxicating Liquor (Licensing) (78-106).

Committee—Report—Party Processions (Ireland) Act Repeal * (87); Reformatory and Industrial Schools (No. 2) * (98).

Report—Pacific Islanders Protection * (100).

Third Reading—Prison Ministers (99); Pen-sions * (93), and *passed*.

TREATY OF WASHINGTON. TRIBUNAL OF ARBITRATION (GENEVA). THE INDIRECT CLAIMS.

THE MINISTERIAL STATEMENT.

EARL GRANVILLE: My Lords, in reference to a promise I made the other evening—namely, that either on Monday next or before that day I would make a statement as to the progress of the negotiations with respect to the *Alabama* Claims, or present the Papers on that subject—I have now to state to the House that I am afraid we shall not be able to lay those Papers on the Table this evening, so as to have them distributed by Monday morning—that, I am afraid, will be impossible; but I shall adhere to my promise of making a statement on Monday evening, whether with or without the Papers.

THE MARQUESS OF SALISBURY: What arrangements will be made as to the Adjournment of the House? Is the question of adjourning on Monday still an open one, as was understood?

EARL GRANVILLE: I am not certain how that stands. I gave an assurance that I would do anything the House might desire and think necessary in order to give your Lordships an opportunity for discussing the statement I had made; but I see by the Minutes that Earl Russell has given Notice that he will move that the House adjourn to the 24th instead of the 31st.

THE DUKE OF RICHMOND: My impression was that the question of adjournment was to be left open till after a statement to be made by the noble Earl (Earl Granville) on Monday. If that statement should be considered unsatisfactory, then I think we were to have an opportunity of discussing the question between Monday and Friday. I think that was the understanding we arrived at.

EARL GRANVILLE: I am not sure that was exactly the understanding; but my desire was, and is, to do whatever the House might consider most convenient. I think that if a discussion should be thought necessary after my statement it would be more convenient for the House, and more convenient for the public interest, that such discussion should be taken immediately. I do not see what is to be gained by our assembling again on the 24th rather than on the 31st.

INTOXICATING LIQUOR (LICENSING)

BILL—(No. 78.)

(The Earl of Kimberley.)

COMMITTEE.

House in Committee (according to Order).

Preliminary.

Clause 1 (Short title of Act) *agreed to.*

Clause 2 (Extent of Act) *agreed to.*

Clause 3 (Commencement of Act) *postponed.*

Illicit Sales.

Clause 4 (Prohibition of sale of intoxicating liquors without license).

THE DUKE OF RICHMOND said, that as the clause must be taken in connection with Clause 29, he thought it might be convenient if he now stated the nature of an Amendment which he meant to propose on the latter clause, but which had reference to all those clauses of the Bill which dealt with penalties and forfeitures. By Clause 29 it would be enacted that on the third conviction for an offence which was to be recorded on the license, the license of the licensed person should be forfeited, and he should be disqualified for a term of five years from holding any license, and the premises in respect of which the license was granted should be disqualified from receiving any license for two years. The penalty, therefore, would operate both on the owner and the tenant of the house, although the owner might not even have known of what was going on, so as to have the opportunity of getting rid of a tenant who was injuring his property. Now, on a former occasion he had drawn their Lordships' attention to the hardship on the owner of a licensed house thus having his property taken from him, without giving him the opportunity of remedying the mischief—for to disqualify the owner from obtaining a license for his premises for two years was virtually to close his house. Now, he wished the owner to have an opportunity of knowing whether or not the tenant conducted the house in a proper manner. Moreover, he thought that to forfeit a license for three convictions, without reference to the particular circumstances or the penalty in each case, was too stringent a measure. What he should propose by his Amendments in Clause 29

was this—that whenever the amount of penalties imposed by the convictions under the provisions of the Bill should amount to the sum of £30 within a period of five years, the license should thereupon become *ipso facto* void; and that whenever the penalties imposed upon any holder of a license should amount to £15 in a period of three years, the holder of the license should be disqualified for a period of three years. This proposition was very similar to one contained in the Bill introduced by the Government last year, and a system of cumulative penalties had been advocated by the right hon. Gentleman the Home Secretary. In order to pave the way for the Amendments on Clause 29, he should now move a verbal alteration in the present clause.

An Amendment *moved*, page 2, line 11, to leave out—

("In addition to any other penalty imposed by this Section, any person convicted of an offence under this Section shall, if he be the owner of the license, forfeit such license.")—(The Duke of Richmond.)

THE EARL OF KIMBERLEY said, he concurred with the noble Duke in thinking this was the most convenient time for raising the discussion on the question whether the plan of forfeiting the license on three convictions should be adopted. He knew that objection was taken to the system of accumulating penalties according to the convictions recorded on the license, on the ground that it would be too severe in its operation. He would admit that by the Bill in its present form that punishment was provided in cases where, perhaps, it was not required, and therefore he would himself propose to lessen the number of cases in which that record was enacted. The first case in which a record of the conviction was provided was that of selling any intoxicating liquor without being duly authorized by the license to sell the same, or selling such liquor in any unauthorized place—that was to say, the sale of liquor to be drunk on the premises, when the license was only for the sale of liquor not to be drunk on the premises. The second was the analogous case of evasion of the law as to drinking on the premises by the carrying of any intoxicating liquor from the licensed premises to other premises, there to be consumed, the license being only for selling drink

not to be drunk on the premises. The third case in which by the Bill it was proposed that there should be a record of the conviction was that of Clause 9, which provided that the sale of intoxicating liquor by retail should, with certain exceptions, be according to standard measure. Now, although this was undoubtedly an offence which ought to be liable to conviction and punishment, he thought it need not be recorded on the license, as it was not of a sufficiently serious character as to require such a record, and he would propose to amend the Bill accordingly. The next offence for which a record of the conviction was provided was that of the illicit storing of liquor. This was a serious offence, and he thought the punishment should remain as it stood in the Bill. The next offence for which there was to be a record of conviction was that described in Clause 12, which provided for the publication of the names of the licensed persons on the premises in respect of which the license was granted. He did not think so severe a punishment was required in this case, and he proposed to strike it out. In the cases of Clauses 15 and 17, the first of which applied to harbouring prostitutes, and the second to the harbouring of constables, the Bill provided for the record of convictions; that in the former case the conviction should be recorded, but in the latter case such a punishment might be dispensed with, and he proposed to amend the Bill accordingly. With respect to the owner of the premises disqualified, he would propose an Amendment that the disqualification of the owners should be left optional with magistrates; but there would be no option in respect of the occupier who held the license. The plan which the noble Duke (the Duke of Richmond) proposed was, that when the penalties amounted to a certain sum the license should be forfeited. He could not think that this would be so satisfactory as the plan in the Bill. There might be a great number of convictions before the penalties amounted to £50, because in the imposition of penalties the magistrate might have regard to the costs, and make the fines themselves very small. Moreover, there was much difficulty of obtaining convictions, even in cases where there could be no doubt that offences had been committed. It had been alleged that the system pro-

The Earl of Kimberley

posed by the Bill was a sort of Draconian code; but this was not so, because many of the punishments which it prescribed were in substitution of, and not in addition to, the existing penalties for breaches of the liquor laws.

THE MARQUESS OF SALISBURY said, that some of the admissions made by the noble Earl (the Earl of Kimberley), coupled with the Amendments which he proposed, had diminished the objections to the plan of punishment provided by the Bill; but still he thought the plan of his noble Friend (the Duke of Richmond) was much sounder, and much more in accordance with the principles of our jurisprudence. The noble Earl proposed a forfeiture of the license for three offences of particular kinds, without reference to the particular circumstances of each case—without regard to the fact whether the offences were more or less mitigated by the circumstances. According to the Bill, therefore, whenever the magistrate thought it his duty to convict, though the offence itself might be perhaps venial, the offender would lose his license. Now, he thought a gradation of offences was a much preferable plan, because where there was an accumulated amount of penalties it showed that the person was a persistent offender. Under Clause 6, if from premises only licensed to sell liquor to be drunk off the premises a person conveyed away drink and drank it round the next street the publican must give proof that he did not know of this, or the offence would be recorded on his license. Again, under Clause 14, if the publican permitted a person to get drunk on his premises—an accident that might happen to any worthy citizen—he incurred the same severe punishment, and three records of convictions would deprive him of his license.

EARL GREY regretted that his noble Friend (the Earl of Kimberley) intended to favour the owners more than the occupiers by allowing the magistrates an option in the case of the former. He thought that to make the law effective it was necessary that the owners should be dealt with as stringently as the occupiers.

THE ARCHBISHOP OF YORK said, that all independent observers were of opinion that it was essential to restrict the liquor traffic. There were two modes of diminishing the number of public-

houses—one by regulating the number according to the population, the other by suppressing those which were conducted in an improper manner. He regretted that in this Bill, which was an honest attempt to remedy a crying evil, the noble Earl did not propose to effect a diminution by the former as well as by the latter plan. He believed the penalties proposed in the Bill were not too severe, and if the House retained them, those who entertained the hope of mitigating the evils which now prevailed would have some prospect of the realization of their wishes; but if the Amendment suggested by the noble Duke were adopted, those who hoped for successful legislation on the subject would cease to take an interest in the present Bill. It was very right that the brewers and publicans should have their advocates when a measure of this kind was under discussion; he should be sorry if it were otherwise; but as these two classes of traders enjoyed from the State the advantages of a monopoly, he thought it was not unreasonable that they should be dealt with more strictly than other classes of the community. The Government who granted the privilege were entitled to exercise a strict supervision; and offences should be uniformly visited by sufficient penalties—penalties not too severe, but sufficient to punish the offence or to prevent the repetition.

LORD CAIRNS said, he should support the Amendment of his noble Friend. He objected to so severe a punishment as the forfeiture of the license for a single offence. The clause, in addition to very severe penalties for selling a description of liquor not named in the license, enacted the absolute forfeiture of the license; and it enacted the same punishment for selling intoxicating liquors in a place not authorized by the license. To suppose a case—which was not only possible but extremely probable—the potman of a public-house going round with beer, might sell some on the other side of the street, which would be an offence under this clause; but was it such as should entail upon the publican the forfeiture of his license? With regard to what had fallen from the most rev. Prelate, he was quite aware that if the Amendment of his noble Friend were adopted, there was a large class of persons outside their Lordships' House who would cease to look with any interest on

the Bill; but these were persons who would be dissatisfied with any measure which did not curtail the number of public-houses in proportion to the population. The difference between his noble Friend and the noble Earl opposite (the Earl of Kimberley) was simply one of degree; but it was another question whether the punishments proposed to be inflicted were not too severe. He (Lord Cairns) was as anxious as any Member of the Episcopal Bench to put down drunkenness; but he did not think it would be justifiable to diminish the number of public-houses by increasing the severity of the penalties.

THE ARCHBISHOP OF YORK said, that what he had advocated was to diminish the number of offences by the certainty of punishment.

LORD CAIRNS said, that the certainty of punishment and the severity of punishment came to much the same thing. Penalties were for one purpose, and for one purpose only—namely, to regulate the conduct and behaviour of those carrying on business in licensed houses; they were not for the purpose of diminishing the number of these houses. If they were to be diminished let it be done fairly and openly; at all events, let the question be argued; but do not let them bring the criminal law into discredit and disgrace by enforcing it for objects which it was never intended to subserve.

THE EARL OF KIMBERLEY admitted the severity of punishment involved in the forfeiture of the license; but it would be for their Lordships to consider dispassionately whether it were too severe. He would remind their Lordships under the existing law the holder of any license who sold intoxicating liquor other than that for which he was licensed forfeited his license. This was the penalty properly inflicted on him, in addition to that which was inflicted on a person committing the same offence who did not hold any license at all.

LORD PORTMAN said, that in addition to other objections to the clause, he must point out that it contained a further most dangerous provision, giving power to any person without any warrant to apprehend any person found selling or exposing for sale any intoxicating liquors in contravention of the clause, and to detain him until he could hand him over to a constable. He could not be a party to giving such an arbitrary power to

anyone. As the Member who had moved to reject the Beer Bill of 1830 in the House of Commons, he was sorry to say that he had lived long enough to see all the evils he had predicted from its operation realized, and none of the predicted benefits realized.

THE DUKE OF RICHMOND thought the most rev. Prelate (the Archbishop of York) had reflected unjustly on the course he was adopting; but he repudiated the notion that he was speaking in the interests of the brewers or the publicans. He spoke in the interests of the whole community. He, in common with, he believed, all their Lordships, was desirous of diminishing the evils arising from immoderate indulgence in spirituous liquors, but he did not think that the system proposed by the Bill was the best calculated to attain that object. The very severity of the penalties proposed was calculated to produce the uncertainty of punishment, which was one of the evils most diligently to be avoided in legislation. In offences of this nature it was obviously necessary to distinguish between the license holder and the owner of the premises. Taking the view he did, and holding that they must review the whole system of deprivation of license, which he proposed to effect by cumulative penalties, as distinct from convictions, he felt it necessary to divide on the Motion to strike out the three lines from the clause.

THE ARCHBISHOP OF YORK said, he had not said that the noble Duke spoke as the advocate of the publicans.

THE EARL OF KIMBERLEY wished to recall their Lordships' attention to the point on which they were about to divide. The question was, whether a man should forfeit the license he held for the offence of selling liquors he was not licensed to sell.

LORD CAIRNS said, that if in this respect the Bill did no more than re-enact the present law he should not think of opposing the clause; but if the Bill proposed a new law for which their Lordships were to be answerable, they ought to be made aware of the fact so that they might address their minds to the consideration of the question whether the penalties were or were not too severe. He wished to put the case of a license-holder selling a pot of beer to a man on the other side of the street opposite to the place for which he was licensed. For

Lord Portman

such an offence, which might be an abuse of license, the prescribed penalties were too severe; but if this were the law at present, their Lordships would incur no responsibility by re-enacting it. If it were not the law he asked their Lordships to consider the proposal carefully.

THE EARL OF KIMBERLEY said, with reference to the question raised by the noble and learned Lord opposite (Lord Cairns), he might say that, under the present Excise laws, if a man sold anything he was not licensed to sell, he was for ever disqualified for holding a spirit license. He did not at all mean to suggest that the Bill did not propose an alteration of the present law; for although something analogous existed in the Excise law, it was not police law, which this Bill proposed to make it. Therefore, it would be misleading their Lordships if he were to say that this Bill merely re-enacted the existing law.

On Question, That the words proposed to be left out stand part of the Clause? *their Lordships divided*:—Contents, 95; Not-Contents, 90: Majority, 5.

Clause agreed to.

Clause 5 (Occupier of unlicensed premises liable for sale of liquor) *agreed to.*

Clause 6 (Seller liable for drinking on premises contrary to license).

LORD PORTMAN said, the clause ran thus—

"If any purchaser of any intoxicating liquor from a person who is not licensed to sell the same to be drunk on the premises drinks such liquor on the premises where the same is sold or on any highway adjoining or near such premises, the seller of such liquor shall, unless he proves that such drinking was without his privity or consent,"

be subject to certain penalties, and the conviction was to be recorded on the license. He entirely agreed to the first part of the clause, so far as regarded drinking on the premises; but he could not agree to the second portion as to "drinking on any highway adjoining or near the premises." He could not believe their Lordships would allow these words to stand, for they would have the effect of exposing a publican to those severe penalties if any person who had fetched half-a-pint of beer from the premises was to drink any portion of it on the high road on his way home. Moreover, if the publican wished to evade the law, all he would have to do

would be to tell his customers that they must not drink the liquor outside the house, but that they must find some convenient premises next door, or over the hedge, where they might consume it safely. This provision was introduced in the Act of 1870, but it had been found impracticable, and the magistrates in the part of the country where he lived had totally disregarded it. He would move to reject that part of the clause, unless the proof of consent should be thrown on the complainant.

THE EARL OF KIMBERLEY said, that the words were introduced to meet the difficulty occasioned by publicans who, being only licensed to sell beer to be drunk on the premises, managed to evade the law by placing a bench outside their houses, on which their customers drank liquor. It was extremely difficult to prevent abuses without some hard cases arising, which seemed to show that the proposal was one which could not be maintained. It might be that the words proposed to be omitted went further than the House would sanction; but they did strike at a real abuse, because it was exceedingly easy for a person not having a license to sell beer to be drunk on the premises to evade the restriction imposed by his license by allowing parties to drink the beer on benches at a little distance from the house, or along the highway. He thought that if the words as they stood seemed to be somewhat harsh, the magistrates might be trusted to carry out the enactment with discretion and mildness—unless, indeed, they resembled those justices to whom the noble Lord had referred as having come to the resolution to disregard the law of the land.

LORD KESTEVEN thought the penalties imposed by the clause were much too heavy, and that part of its enactments would be found to work with great hardship.

LORD CHELMSFORD proposed to alter the clause so as to require that the drinking on any highway adjoining or near such premises had been "with the privity and consent of the seller." His object was to make it necessary, before a conviction could be obtained, to prove the privity and consent of the landlord, because it was obviously impossible that the seller could prove the negative fact that he did not know of such drinking. He proposed to insert the words—"If it

shall appear that such drinking was with his privity or consent."

THE EARL OF KIMBERLEY was ready to accept the Amendment proposed by the noble and learned Lord.

EARL BEAUCHAMP put the case of the holder of an excise license, and the occupier of a beershop licensed to sell beer not to be drunk on the premises. If the person purchasing beer drank it on the highway adjoining or near the premises, the seller would be liable to the severe penalties imposed by this clause; whereas the purchaser of a bottle of gin at the shop licensed by the Excise across the road might carouse on the highway without the seller incurring any penalty whatever. So stringent a provision was, he thought, contrary to justice.

Amendment agreed to.

THE DUKE OF RICHMOND moved to leave out the last line of the clause—namely—

"Any conviction for an offence under this section shall be recorded on the license of the person convicted,"

in order to clear the ground for the series of cumulative penalties which he had given Notice to propose in Clause 29.

THE EARL OF KIMBERLEY said, he hoped the Committee would understand that they were now going to divide upon, and to decide upon, the scheme of penalties proposed respectively by the Government and by the noble Duke opposite. It would of course be quite open to any noble Lord to object to any one of the penalties moved by the Government, on the ground of its being either too low or too high; but the present Amendment affected the whole scheme of the Bill in respect of the conditions on which licenses should henceforth be forfeitable.

THE BISHOP OF PETERBOROUGH said, he understood the point to be decided was, whether on the one hand they would adopt a system of self-acting penalties, or, on the other hand, give a certain amount of discretion to the magistrates with regard to imposing the penalties, which, on a certain amount of repetition, would have the same result as the self-acting penalties—the magistrates would consequently have a certain amount of discretion in deciding whether the license should be forfeited or not. Now, in connection with this point there was a fact that should not be lost

sight of. In the Beer Act of 1830 the power was given to the magistrates of sending to the Excise Commissioners records of the convictions under that Act, and the Excise Commissioners on receipt of such records were to refuse the renewal of the licenses of the offending parties. But it appeared in evidence before the House of Commons Committee in 1854—24 years afterwards—that in no instance had any record of a conviction been sent to the Excise Commissioners. It did, therefore, seem to him that while no one would dream of questioning the purity of the magistrates in respect to the convictions which they pronounced, yet there might be some question whether they would not allow their good nature to influence them too much as to the amount of the penalties they imposed.

On Question, Whether the words proposed to be left out stand part of the clause? their Lordships *divided*:—Contents, 84; Not-contents, 81: Majority 3.

Resolved in the Affirmative.

On Question? Clause *agreed to*.

Clause 7 (Evasion of law as to drinking on premises contrary to license) amended, and *agreed to*.

Clause 8 (Sale of spirits to children).

THE MARQUESS OF SALISBURY said, the clause proposed that any license holder who sold any liquor to be consumed on the premises to any person apparently under the age of 16 years should be subject to penalties of 20s. for the first and 40s. for every subsequent offence. He would suggest that the age should be fixed at 12 instead of 16, contending that a boy of the former age was sufficiently old to be responsible for his own action in such cases, and that there were comparatively harmless liquids, such as shrub, bishop, and negus, which came under the definition of spirits, which it would be absurd to prevent a man from selling to a person of that age. He thought their Lordships could say from their own recollection where these penalties would have been unjust to the landlord and inconvenient to youths of 16. The word sixteen must, he thought, have been inserted in the Bill by an oversight.

THE EARL OF KIMBERLEY said, it was owing to no oversight that the age had been fixed at 16. Such was now the

The Bishop of Peterborough

law in the whole of the metropolitan district, and it was simply proposed to extend that law to the whole country. They had the evidence of the police that in the metropolitan district the greatest possible evils had arisen from permitting youths of 16 to indulge in spirits. Boys or lads of that age ought to be placed under judicious and reasonable restraint. He had not the slightest objection that a youth should drink sound English beer; but it was by no means desirable, he thought, that he should drink spirits.

On the Motion of the Duke of Richmond, the words "not being a traveller or lodger" were *struck out*.

Clause, as amended, *agreed to*.

Clause 9 (Sale to be by standard measure).

THE DUKE OF RICHMOND moved an Amendment to the effect that the clause should only be operative when the person applying for the liquor expressly desired to be served in measures marked according to the Imperial standards.

THE EARL OF KIMBERLEY said, that at present gross frauds were committed upon the public by the practice of serving them with liquors not in Imperial standard measures. There would be no difficulty whatever in getting glasses of the Imperial standard instead of pewter, if thought desirable.

Amendment *negatived*.

Clause *agreed to*.

Clause 10 (Internal communication between licensed premises and house of public resort).

THE BISHOP OF PETERBOROUGH desired to see the clause so worded as to create a complete severance, not only between licensed public-houses and unlicensed premises which were used for public entertainment and resort, but between the license for a public-house and the license for a dancing saloon. The representations he received led him to believe that great evils arose from licenses given to the latter class of house. He would move to insert after ("house") "or with any music hall or dancing room."

THE EARL OF KIMBERLEY said, the Government had not attempted to deal in this Bill with the general question of music and dancing licenses. He admitted that there were evils in connection with them, but he should be

sorry to introduce into the Bill a single Amendment without dealing with the whole subject.

Amendment (by leave of the Committee) *withdrawn*.

THE DUKE OF RICHMOND said, the words of the clause were very large, and imposed penalties on "every person who makes or uses, or allows to be made or used, any internal communication" between licensed premises and houses of public resort. He proposed to leave out the words—

"In addition to any penalty imposed by this section, any person convicted of an offence under this section shall, if he be the holder of a license, forfeit such license."

THE MARQUESS OF SALISBURY said, the words "allows to be made" might touch the landlord.

THE EARL OF KIMBERLEY regarded the offence as a serious one, but promised to consider the points which had been raised, and, if necessary, amend the clause upon the Report.

Amendment (by leave of the Committee) *withdrawn*.

Clause *agreed to*.

Clause 11 (Illicit storing of liquor).

THE DUKE OF RICHMOND said, the clause inflicted the heavy penalties of £10 and £20 on any license holder who should so much as have on his premises any description of liquor not covered by his license; and directed that the conviction should be recorded on his license. Now, he thought it would be hard if a beershop keeper were prevented from having for his own use any wine or spirits. He therefore proposed to insert the words "unless he shall account for the possession of the same to the satisfaction of the justices."

THE EARL OF KIMBERLEY accepted the Amendment, regarding it as more effectual than the Amendment with a similar object of which he had himself given Notice.

Words *added*.

THE DUKE OF RICHMOND proposed to omit the latter part of the clause—

"Any conviction for an offence under this section shall be recorded on the license of the person convicted."

THE EARL OF KIMBERLEY was inclined to think the offence which the clause dealt with was a serious one. At the same time, this was a police not an Excise Bill, and believing that the

offence might be properly met by Excise penalties, he would not oppose the Amendment.

Words *struck out* accordingly.

Clause, as amended, *agreed to*.

Clause 12 (Publication of names of licensed persons) *agreed to*.

Offences against Public Order.

Clause 13 (Penalty on persons found drunk) *agreed to*.

Clause 14 (Penalty for permitting drunkenness).

THE DUKE OF RICHMOND proposed to omit the words—

"Any conviction for an offence under this section shall be recorded on the license of the person convicted."

THE EARL OF KIMBERLEY said, he could not possibly agree to this Amendment. Allowing drunkenness in the house, and supplying liquor to drunken persons, was a great offence, and to punish it severely was absolutely necessary in the interests of good order. He would, however, withdraw the words of the section which imposed a penalty if the publican were himself drunk.

Words ("or is himself guilty of drunkenness") *struck out* accordingly.

Clause, as amended, *agreed to*.

Clause 15 (Penalty for keeping disorderly house).

THE EARL OF KIMBERLEY said, he proposed to leave out the words "or reputed thieves." The object with which those words had been introduced was more adequately provided for in the Prevention of Crime Act of last year, which contained stringent provisions against the harbouring of thieves in public-houses. Those provisions had worked extremely well, and, as the harbouring of thieves was more properly a part of the criminal law and was already provided for, he proposed to strike out these words. The question between him and the noble Duke would then be narrowed to the harbouring of prostitutes.

Words *struck out* accordingly.

THE DUKE OF RICHMOND proposed to inflict the penalty only where the licensed person was convicted of permitting prostitutes, reputed thieves, or other persons of notoriously bad character to remain on his premises longer

than was necessary for the purpose of obtaining reasonable refreshment. He thought it would be inconvenient to deal with reputed thieves in the Act of last year and with prostitutes in this Bill. The object surely was to prevent publicans from harbouring those persons, but not to prevent them from obtaining reasonable refreshment.

Amendment *moved*, to leave out all the words from ("person") down to ("be,") in line 19, and insert—

("is convicted of permitting prostitutes, reputed thieves, or other persons of notoriously bad character to remain on his premises longer than is necessary for the purpose of obtaining reasonable refreshment.")—(*The Duke of Richmond.*)

THE EARL OF KIMBERLEY said, this clause was not so severe as the clause in the existing Act with respect to persons who knowingly harboured thieves. The clause to which he referred was no experiment, for it had been in operation for three years, and the police spoke of it as very valuable. He was ready, however, to accept the words of the noble Duke, if the Committee thought them preferable. But there was great difficulty, under the present law, in preventing prostitutes from assembling in night-houses in London. Attempts had been made again and again without success, and it was on that account that this severe clause was proposed. He was informed that the words proposed would not affect a woman who merely went casually into one of those houses to obtain refreshment.

THE DUKE OF RICHMOND said, he was not wedded to his own words, and if the noble Earl was satisfied that the clause as it stood would not prevent persons from entering a house for the purpose of getting refreshment, he would not insist upon his Amendment.

THE EARL OF KIMBERLEY said, he had considered the words of the noble Duke in no unfriendly spirit, and he had come to the conclusion that it would be necessary to retain the words "habitual resort of or place of meeting."

Amendment (by leave of the Committee) *withdrawn*.

Clause, as amended, *agreed to*.

Clause 16 (Penalty for permitting premises to be a brothel).

THE MARQUESS OF SALISBURY objected to the severity of the penalty in
The Duke of Richmond

the latter part of the clause, according to which, not only was the licensed person to forfeit his license and pay heavy penalties, but, for a single conviction, the premises were to be disqualified from receiving a license for five years. It seemed to be assumed that these premises were always the property of licensed brewers who had, or might have, full knowledge of the way in which the house was conducted. He need not say that this was by no means the case. They were very frequently private persons who had very little means of knowing how the occupier was conducting it. Besides, such a penalty would enable the holder of the license to injure the owner, however innocent. For if the latter wanted to get rid of a bad character, or only threatened to distrain for rent, the license-holder might turn round on him and say—"You intend to ruin me, I will see what I can do to ruin you." He hoped this severe penalty would be struck out.

THE DUKE OF SOMERSET said, the owner ought to receive notice before the house should be disqualified. The penalty for a third conviction of a publican would be easily avoided by bringing in a new tenant after the second conviction; but in this case one conviction would be ruinous to the owner, and it would be unjust to punish him if he was ignorant of the offence and had received no warning.

THE EARL OF KIMBERLEY said, that very considerable difficulty arose with regard to the owner, and as this was the first proposal referring to owners they had come to in the Bill, he wished to point out that the principle of the clause was not entirely new, and that there was already, in more than one instance, a discretionary power for disqualification of this kind. In the case of permitting drunkenness or disorderly conduct there was already the power of disqualifying a house on the third offence; and the Wine Licenses Act of 1860 gave somewhat similar penalties. The objection to the penalty in this clause was, that it was imposed for a first offence, and was not discretionary with the justices. As to the gravity of the offence there could be no difference of opinion; but there arose a question as to whether the infliction of a penalty upon the owner was unjust. There were good reasons for calling upon the owner

to prevent a licensed house being used in this way, but there might be other modes of compelling him to do so that might not be open to the same objection as this clause. They might give the owner power, when he found that his house was improperly conducted, to give the tenant immediate notice to quit and to remove him. That, however, would be a forcible interference with contracts, and if such a practice were admitted to a large extent it would lead to difficulties. If, however, the clause was too strong, discretionary power could be given to the justices. He should be quite ready to introduce a system of notices to owners. They might also require owners to be registered, or perhaps it would be preferable to allow them to be registered if they thought fit. With such a register, whenever an offence was committed which was recorded upon the license, the justices could send a notice to the owner that his tenant was conducting his house disreputably so that he might have a reasonable opportunity of preventing it being so used.

THE DUKE OF CLEVELAND thought that if the owner was wholly ignorant of the abuse of his house no injustice would be involved in his terminating the contract, which ought not to be valid under such circumstances.

THE MARQUESS OF SALISBURY agreed with the noble Earl as to the danger attending an interference with contracts, but remarked that the noble Earl did not feel that difficulty quite so keenly when the Irish Land Bill was under consideration. It seemed to be a more serious matter to punish a man for what he had not done; but if the slightest degree of complicity could be proved against the owner then he ought to be punished. There would be no difficulty about the register, for the name of the owner could be written on the back of the license; and as soon as a conviction took place notice could be sent to the owner, who might have power given him to terminate the tenancy thereupon, or to be exempted from punishment if he forthwith gave such notice as the contract would enable him to give for the purpose of terminating the tenancy.

LORD CAIRNS said, nothing could be more unjust than to enact with reference to existing leases where the landlord had no power over the tenant, that the misconduct of that tenant should entail a

forfeiture of property upon the landlord. With regard to future leases and contracts, it seemed to him that some system of notices was extremely desirable, because if a third conviction was to forfeit the license owners, for their own protection, would stipulate that two convictions should be, *ipso facto*, an avoidance of the lease, and it would be necessary that they should have notice of the second offence. Owners would thus be compelled to exercise a species of control over their premises and to secure good tenants; and as soon as a man had proved by his second conviction his unworthiness he would be superseded by a better tenant. But whatever might be done, nothing could be more unjust than to apply the penalty of this clause to the case of existing leases, where the landlord had no power over the tenant.

THE EARL OF KIMBERLEY was willing on the Report to modify the clause, so as to provide that the owner should have notice of the first conviction, and that a second conviction should involve disqualification for a license. On this understanding he would consent to the words being now struck out.

Words *struck out* accordingly.

Clause, as amended, *agreed to*.

Clause 17 (Penalty for harbouring constables) *agreed to*.

Clause 18 (Penalty for permitting gaming) *agreed to*, with Amendments.

Clause 19 (Power to exclude drunkards from licensed premises).

THE DUKE OF RICHMOND objected to the proposal that a constable required to assist in expelling a disorderly person might "use force for that purpose without being responsible for the consequences of such force."

THE EARL OF KIMBERLEY believed "force" would be construed as "reasonable force," but would consent to use the term "such force as may be required."

Clause amended and *agreed to*.

Adulteration.

Clause 20 (Adulteration of intoxicating liquors).

LORD BUCKHURST proposed that the punishment should not be confined to the use of "deleterious" ingredients, but should extend to any ingredients.

Nothing was more adulterated than beer before it reached the consumer, but he excluded from the charge the higher branches of the trade. He moved to insert the words "or other adulterating."

THE EARL OF KIMBERLEY was anxious for stringent regulations to prevent adulteration, but was sure their Lordships would not desire to carry the clause too far. The proposed Amendment seemed to him to go too far. The Schedule enumerated cocculus indicus, copperas, opium, Indian hemp, strychnine, tobacco, darnel seed, extract of logwood, salts of zinc or lead, and alum. If anything further were needed it could be supplied by making additions to the list of adulterating ingredients, rather than use a general term, which might raise the question whether the ingredient was adulterating or not.

LORD LYTTTELTON said, the question was whether they would treat it as adulteration to put into drink things that were not deemed deleterious, but which were put in simply to provoke thirst, and to induce persons to drink more than they otherwise would.

THE EARL OF KIMBERLEY said, the question also arose with reference to anything which would weaken the liquor. It seemed to him that the clause was sufficient as it stood, and that any necessary Amendment could be made by correcting the list of ingredients in the Schedule.

THE DUKE OF RICHMOND agreed with the noble Earl (the Earl of Kimberley). The proposed Amendment would include water, and it would be unwise to accept it. He thought the words "deleterious ingredients," coupled with the list in the Schedule, would meet the case; and therefore he would advise the noble Lord not to press the Amendment.

LORD HYLTON said, that much adulteration was produced by mixtures supplied to publicans by brewers. He thought that everyone who adulterated should be deprived of his license.

THE MARQUESS OF HUNTLY said, it would be very hard that a man should forfeit his license for selling liquor that was adulterated without his knowing it.

Amendment (by leave of the Committee) *withdrawn.*

Lord Buckhurst

THE DUKE OF RICHMOND said, he objected very strongly to the last paragraph of the clause, which required that a person convicted of any offence under this section should affix to any part of his premises prescribed by a public-house Inspector a placard stating his conviction, and should not remove it for two weeks. The offence of adulteration was no doubt a grave one; the penalty attached to it by the clause was very severe, and he was glad it should be so; but, if his Amendment to a later part of the Bill were carried, it would be necessary to qualify this clause. He objected to this additional penalty of compelling a man to placard his own guilt on his own house. It was a novel mode of punishing a man, though he understood it had been tried in New Zealand. He objected to it, and if he were encouraged, he should take the sense of the House upon it. The paragraph further directed that if any one were to pull down or deface the placard, the man should put it up again, and so, for the stipulated time, he would become a continual bill-sticker.

THE EARL OF KIMBERLEY said, he hoped this clause would not be regarded merely as compelling a man to become a bill-sticker. He thought no more appropriate punishment could be inflicted than that of compelling a man to make it known to everybody that he had been convicted, and so to inflict the punishment upon himself. As to the penalty being novel in form, it did not follow that it was necessarily bad. At all events, he hoped that noble Lords on his own side of the House would not condemn the proposal because it was new; and if it was new, he believed it would prove to be a useful innovation, and that it would have a good effect on the keepers of public-houses. The very circumstance of a house being so placarded would attract a good deal of attention, and no doubt it would produce a good effect. They had passed laws to prevent adulteration, yet it was notorious almost everything they ate or drank was adulterated. He did not want to go too fast, and this was a small step in the right direction. The clause provided that the man who mixed with his liquors materials positively deleterious should be punished, not with the pillory as in the time of our ancestors—for in these days that would be deemed cruel and

barbarous—but with something very like it, by making him display to the whole world the fact of his conviction in front of his house.

THE MARQUESS OF SALISBURY thought the provision was, on the whole, a wise one, and that it followed a sound principle in legislation. What was said to the publican was—"You shall not deceive your customer; if you do you shall be punished for it." The penalty proposed would be most effective, without being very cruel. He was bound to say that the objection of the publicans was that they were singled out from other tradesmen for this form of punishment; and if the objection were allowed to endure it would be a sound one:—but he trusted that it would not endure, and that the grocer who sanded his sugar would be punished in a similar manner by subsequent legislation.

THE BISHOP OF CARLISLE thought the clause, as it now stood, had in it something ludicrous. It proposed to say to the guilty publican—"You shall not only have capital punishment, but you shall commit suicide." Surely it was enough to enact that the placard should be affixed to the man's house without compelling him to affix it with his own hands. How were they to compel the publican to do so?

THE EARL OF KIMBERLEY said, the publican would be fined 40*s.* for every day that the notice was not exhibited or was defaced.

Clause agreed to.

Clause 21 (Possession of adulterated liquor or deleterious ingredients), and Clause 22 (Schedule of deleterious ingredients) *agreed to.*

Clause 23 (Analysis of intoxicating liquor).

THE DUKE OF RICHMOND moved to insert—

"Any person required in pursuance of the foregoing provisions to furnish samples of any intoxicating liquor for the purpose of analysis may at the time of supplying such samples require the same to be sealed in his presence with his own seal, and a corresponding sample sealed by such superintendent, inspector, or officer, shall, if required, be left with the person for reference, in case of dispute as to the correctness of the analysis or otherwise. No sample so sealed shall be opened except by a public analyst, and such analyst shall give a reasonable notice to the person by whom such sample was furnished, in order to enable such person, if he shall think fit to attend at the time when such sample is opened."

He should presently propose that the person whose liquor was to be analyzed should be present if he should think fit when the analysis was made. When the Legislature was enacting very stringent penalties, it was but right that the party accused should be satisfied that the analysis was perfectly fair.

THE EARL OF KIMBERLEY felt that the noble Duke had the same object with himself. He would consider if any further words were necessary to be inserted in the clause, and if they did not entirely carry out his view, the noble Duke might object to the whole clause. He would confer with the noble Duke how the provision could best be made. He should object to the appointment of a public analyst.

THE DUKE OF ARGYLL said, it would be useless for the publican to be present when the analysis was made, as he would know nothing of the process carried on.

EARL BEAUCHAMP said, it would be much less expensive to have a public analyst than to follow the clause as it stood; and the analysis of such an officer would command more confidence than an analysis performed by any gentleman appointed by the Excise. The public analyst need not be a salaried officer—he could be paid some small fee when his services were required. This year a public analyst had been appointed in Worcestershire at an annual salary, with great satisfaction to the ratepayers.

THE EARL OF KIMBERLEY said, that the plan proposed by the Bill already existed, and worked well. There were nine Acts of Parliament against adulteration, and they were enforced by the Excise, and were not ineffective; for in the 10 years from 1857 to 1867 there had been 106 convictions.

Amendment agreed to; words inserted accordingly.

Clause, as amended, agreed to.

Closing Licensed Premises in case of Riot.

Clause 24 (Power of justices to close licensed Premises in case of Riot) *agreed to.*

Closing of Licensed Premises on Sundays and Holidays.

Clause 25 (Times of Closing).

THE MARQUESS OF SALISBURY hoped that the noble Earl who had charge of the Bill would not give too

Puritanical a character to the measure. The clause would not allow licensed houses to open till 7 o'clock in the morning. He supposed the object in view was to strengthen the hands of the police, and to prevent disorder and breaches of the law. But was there any danger of such things happening before 6 in the morning? If the object was to prevent the working man from taking his breakfast in a public-house and having beer with it instead of tea or coffee—there could be no doubt that beer was much less wholesome for him; but in the same sense pork was much less wholesome than mutton—yet Parliament would never legislate to force working men to eat mutton and not pork. Such a point as this, then, was entirely outside the purview of legislation, and to adopt it would be to apply an utterly false principle. There was also another point which he thought might be altered for the better. It was proposed to close public-houses at 12 at night—he thought that the time should be extended to 1 o'clock. There were many places of entertainment which did not close till 12, and it would be extremely hard upon those people who had been trying to obtain a little innocent amusement if they were to be prevented from going into a public-house after that hour. He thought the hours for week days should be altered so that these houses should be allowed to open at 5 A.M. and close at 1 A.M.

THE EARL OF KIMBERLEY said, it was difficult to fix upon what were the best times for opening and closing. No doubt the clause did propose a great increase of stringency over the present law, and he (the Earl of Kimberley) would at once admit that one object of the Bill, without being Puritanical, was to limit the extent of drinking by indirect checks. He was not disposed to advise the House to adopt the extreme views of those who would give power to the majority of a locality to prevent the minority using intoxicating liquors. At the same time there were considerable bodies of people, and among them a great number of the working classes, who entertained strong opinions on this subject; and it was necessary to take those opinions somewhat into account in dealing with the matter. There was a great difference of feeling in different parts of the country, and there might

The Marquess of Salisbury

be cases of hardship and inconvenience if there were no loop-hole in the Bill, and that loop-hole was provided by the 27th clause, which empowered the magistrates to make exceptions in particular cases, in which it might be desirable to provide accommodation for persons attending markets or engaged in certain trades. In Scotland the magistrates had generally in their discretion fixed the hour of opening at 7 o'clock in the morning, and the arrangement had been found to work well. He trusted the Committee would not agree to make 5 the general hour for opening. The Bill proposed a uniform system for public-houses, beerhouses, and winehouses, which were at present under different regulations, and though it would be more severe as regarded public-houses, it would make less alteration in the other classes. It would be as well that he should point out exactly what were the present hours of closing. Within the limits of the Public-houses Closing Act of 1864—that was to say, within the City of London, the metropolitan police district, and such corporate boroughs or districts as had adopted the Act—the hours were from 1 A.M. to 4 A.M. Beerhouses were under the statute of 1860, and were closed from 12 P.M. to 5 A.M. in London and the metropolitan district, and in other districts they closed at hours varying according to the population. The present Bill proposed to introduce a general law for closing—namely, 12 o'clock at night, for London within the four miles radius, which was one hour earlier than public-houses were compelled to close at present; 11 o'clock for the metropolitan police district, and towns with 10,000 inhabitants, and 10 o'clock elsewhere. It was during the hour between 12 to 1 o'clock that the greatest amount of drunkenness took place; and if their Lordships wished to introduce order into our towns, they could not take a more effective measure than to close the houses earlier. He hoped their Lordships would take up the hours of opening and closing separately, as they were separate questions.

THE DUKE OF SOMERSET preferred 6 A.M. to 7 for London; while in the country the case would be met by the clause giving power to the magistrates to relax the rule if they thought it necessary. He presumed that the clause pro-

posed no alteration in the existing law as to Sunday.

THE EARL OF KIMBERLEY said, the alteration as regarded Sunday was this—The present hour of opening on Sunday afternoon was 12 30: the Bill proposed that it should be 1 o'clock, that was, half-an-hour later. The next hours for closing at present on Sunday were from 3 P.M. to 5 P.M., and the Bill proposed that the hours of closing should be from 3 P.M. to 6 P.M. Then, with regard to the closing on Sunday night, the hour of closing in London was left the same—namely, 11 o'clock, and the hour of closing in other parts of the country was made 10 P.M. for large towns, and 9 P.M. elsewhere.

THE DUKE OF SOMERSET thought it hardly worth while for the sake of so slight a difference to re-open the Sunday question, which on a former occasion led to demonstrations in Hyde Park.

LORD PORTMAN thought 12 a better hour than 1 for closing, and 6 a better hour than 5 for opening.

THE EARL OF KIMBERLEY moved the insertion of a regulation at the beginning of the clause, providing that all licensed premises should be closed on every weekday between 12 o'clock at night and 7 o'clock in the morning. This was the intention of the clause as at present framed, but in its existing shape there was some ambiguity.

Amendment moved, p. 9, line 29, having inserted after ("*Closed*") ("*on every day between*") moved to insert ("*twelve.*")—(*The Earl of Kimberley.*)

THE MARQUESS OF SALISBURY, in order to raise the question, said, he should object to the hour of 12 in the noble Earl's proposal.

THE DUKE OF RICHMOND said, his scheme of hours was as follows:—He proposed that the closing hours in the metropolis should be from 1 A.M. to 5 A.M.—which would meet the case of a number of persons employed in certain classes of occupation in London; he also proposed that in places with a population over 10,000 inhabitants the hours of closing should be from 12 at night to 6 A.M.; and with a population of less than 10,000 inhabitants the hours of closing should be from 11 P.M. till 6 A.M.

THE MARQUESS OF SALISBURY remarked, that if houses were not opened

till 7 o'clock persons arriving in London by the early trains would be much inconvenienced.

THE EARL OF KIMBERLEY believed there would be no more difficulty than at present in the admission of travellers into hotels during the closed hours.

On Question *their Lordships divided*:—Contents, 46; Not-Contents, 31: Majority, 15.

THE DUKE OF SOMERSET moved that the hour of opening be 6 o'clock, instead of 7.

THE EARL OF KIMBERLEY said, that if this proposal represented the sense of the House, he would accept it.

The word ("*Six*") was accordingly substituted, with consequential Amendments.

THE EARL OF KIMBERLEY said, they now came to sub-section 2, which applied to houses in the metropolitan police district, but outside the four-mile radius from Charing-cross, and to towns containing not less than 10,000 inhabitants. The sub-section now provided that they should close at 10 o'clock. He had already agreed that houses should open at 6 o'clock on week-day mornings, and if the House thought that the houses contemplated in this sub-section should remain open on Sundays till 11 instead of 10 he should not object.

THE EARL OF BEAUCHAMP asked why the Bill should apply a different measure to people outside the four-mile radius from that applied to people inside? The East-end of London would not be included within that area, as the West-end would be, yet the people there had the same habits and the same mode of living.

THE EARL OF KIMBERLEY said, it was necessary to draw the line somewhere, but it was competent to the noble Earl to propose an extension of the limits.

THE MARQUESS OF SALISBURY was sorry that the House was so given up to the fanatical party as to propose to close the public-houses in parts of the metropolitan district at 10 o'clock. The Bill was a piece of Puritanical legislation which he was sure would not work, for it was utterly opposed to the habits and feelings of the people, and he should be very much surprised if it were accepted by the other House of Parliament.

THE EARL OF KIMBERLEY said, he was willing to take the metropolitan police district, instead of the four-mile radius for sub-section 1. With regard to towns of more than 10,000 inhabitants, he proposed to amend the sub-section by fixing the morning hour at 6, the other hours remaining as they were.

Amendments made accordingly.

Clause, as amended, *agreed to*.

Clause 26 (Punishment of persons found on premises during closing hours) amended and *agreed to*.

Clause 27 (Exemption from closing by order of local authority, in respect of certain houses) *agreed to*.

Clause 28 (Amendment of law as to refreshment-houses) *agreed to*.

Effect of repeated Convictions.

Clause 29 (Forfeiture of license on repeated convictions).

THE EARL OF KIMBERLEY said, he proposed to mitigate the effect of this clause by inserting words making it discretionary, instead of compulsory, with the magistrates to disqualify the premises in respect to which there had been repeated convictions. He would therefore move in page 12, line 40, to leave out "shall," and insert "may if the Court having cognizance of the case in its discretion so thinks fit to order." With regard to the transfer of license, it had been complained that, except in the case of the transfer of the license to another person, the convictions would run against the house, and that the owner of the house might suffer by the license being taken away without any fault on his part. No real hardship, however, would be inflicted if the owner had notice. If any owner came forward and said he should wish to be registered, notice might be sent to him. He should be willing to propose words in another part of the Bill to effect that object.

LORD CAIRNS said, it was impossible to judge what the effect of the Amendments would be until they saw the words which the noble Earl intended to propose. He would suggest that they should wait until the Report before anything more was done with regard to these Amendments.

THE EARL OF KIMBERLEY said, he should feel himself bound to amend the

clause in the manner he had proposed with regard to giving discretionary power to the magistrates.

THE MARQUESS OF SALISBURY suggested that an owner should not be punishable if he showed he had given notice to his tenant at the earliest possible moment after he became aware that an offence had been committed.

THE EARL OF KIMBERLEY proposed to take the suggestion of the noble Marquess into consideration.

Amendment *agreed to*.

Clause, as amended, *agreed to*.

Clause 30 (Conviction after five years not to increase penalty) *agreed to*.

Supervision of Licensed Premises.

Clause 31 (Appointment of Public-house Inspectors in every police district).

THE DUKE OF RICHMOND expressed his belief that the clause was unnecessary, as the machinery now in existence was better adapted for carrying out the object in view than that proposed by the noble Earl. Under the existing system the magistrates could direct every police Inspector to lay before them a report concerning the character of all public-houses, beerhouses, and refreshment-houses in his district. The clause provided that one Inspector should be appointed for every 100,000 inhabitants; but the result of this would be that in some cases an Inspector would have under his charge a district of 40 miles by 30. In his judgment, an Inspector could not furnish the magistrates with trustworthy information as to the character of all the public houses in so large a district. He also objected to the appointment of officers whose special duty would be to find fault with a particular class of people. Believing, therefore, that the present machinery was superior to that now proposed, he begged to move the omission of the clause.

Moved, "To leave out Clause 31."—
(*The Duke of Richmond.*)

THE EARL OF KIMBERLEY said, the meaning of the clause was that there should be at least one Inspector to every 100,000 inhabitants; but there was nothing to prevent the appointment of additional Inspectors. The present inspection of public-houses by the constabulary no doubt worked satisfactorily

in certain counties; but, owing to various causes, that was not the case in boroughs, where the inspection was flagrantly neglected. Last year the Government proposed that special Inspectors should be appointed by the central authority, and that they should have a sort of concomitant jurisdiction with the police; but it was objected that such Inspectors would go about the country like spies. The Government thought there was some force in this objection, and to meet it they proposed to take by the present Bill the least power they could in order to insure that the inspection of public-houses should be complete. The Inspectors appointed under the clause would remain attached to the constabulary force, and if the duty of inspecting public-houses did not occupy all their time they might be otherwise employed. He attached great importance to the clause. It would impose only a slight additional burden on the ratepayers, and was necessary for the proper working of the Bill.

THE MARQUESS OF SALISBURY said, it would rest with the Secretary of State to determine what the increased burden upon the rates should be, and that would depend upon his view of what was required to carry out the stringent provisions of the Bill; and it appeared from the speech of the noble Earl that he and the present Home Secretary intended to have a new police, which, of course, the counties would have to pay for. Surely, it was hard upon the counties to impose this additional burden on the rates so soon after the House of Commons had determined by a large majority that the money required for the administration of justice should be taken out of the Imperial Exchequer? They were told that the sum would be small; but the burden of rates that now pressed upon them so heavily was made up of small items. He thought it was clearly the duty of the Committee to divide upon this clause, and so mark their sense of a direct attempt to violate a Resolution which had been passed by the House of Commons.

THE DUKE OF SOMERSET complained that the effect of the clause would be to treat the rural and the urban districts in a very different manner, with a balance of inequality and injustice against the rural districts. He thought the existing police arrangements were quite

sufficient to meet the requirements of the case.

LORD EGERTON OF TATTON instanced several northern counties in which the public-houses were regularly and efficiently inspected and reported upon to the magistrates by the present police force.

THE EARL OF KIMBERLEY said, all that was desired by Her Majesty's Government was to procure an efficient inspection. He was aware that a considerable section of the public objected to every proposal which could increase local rating; but he would ask their Lordships whether it was possible to allow all improvements not provided for by Imperial taxation to remain in abeyance until the question of local taxation had been settled—this last question being one which would touch the deepest questions, and which could not possibly be settled for one, two, or three Sessions to come?

LORD KESTEVEN said, the question of local taxation was now at a deadlock, and must be settled before any new system of taxation could be adopted in the suburban districts.

THE DUKE OF CLEVELAND agreed with those noble Lords who urged the importance of efficient inspection, but maintained that the existing police force was perfectly sufficient for the work.

THE EARL OF POWIS thought one effect of the clause would be to leave the towns under a supervision much more lax than that which would be the rule in counties. It would be better, instead of singling out special members of the police force to carry out the law, to leave it to the force generally, as at present; and the magistrates would see that the instructions contained in the Act of Parliament were carried into effect.

THE EARL OF KIMBERLEY wished it to be understood that the effect of the clause would not be to create a new police force, but simply to add to the existing force in districts where it was not sufficiently numerous to ensure a proper inspection.

On Question, That the said clause stand part of the Bill? Their Lordships *divided*:—Contents 36; Not-Contents 53: Majority 17.

Resolved in the Negative; Clause struck out.

Clauses 32, 33, 34, 35, 36, and 37 (Defining duties of Public-house Inspectors, &c.) *struck out*.

Registers.

Clause 38 (Register of Licenses) *agreed to*.

Amendment of Law as to Grant of Licenses.

Clause 39 (Licensing Committee in Counties).

THE DUKE OF RICHMOND objected to the proposal in the Bill, partly contained in this clause, with reference to the granting of new licenses. Last Session the right hon. Gentleman the Secretary of State for the Home Department expressed his deliberate and decided opinion that the local magistrates were the best judges who were eligible persons to receive licenses; and now the policy of the Government had been changed. He regarded the condition of obtaining the assent of the Secretary of State for the Home Department as not only unnecessary, but as tending to cast a slur on a body of men who had hitherto performed their duties honestly and well; in addition to which there was this further objection—that the Secretary of State could not possibly be acquainted with the wants of the locality, while to the magistrates they would be thoroughly known. That this point was not deemed of any great importance by the Government was evident from the fact that they proposed to confine it to the case of new licenses, and did not suggest the extension of it to transfers of renewals. It would be more simple to accept the proposal he had made that the present licensing body should remain as it was, with the right of appeal from the petty sessions to the committee appointed by the Quarter Sessions, to consist of not less than 3 members and not exceeding 12. There was no pretence for saying that the magistrates had exercised their power in granting licenses improperly; there was, therefore, no reason for depriving them of such power. Under such circumstances, he would propose the Amendment of which he had given Notice.

An Amendment moved, line 32, leave out from ("In") to ("expedient") in line 41 inclusive, and insert—

("every county the justices in quarter sessions assembled shall annually appoint from among themselves a licensing committee, or they may appoint more than one such committee, and assign to any such committee such area of jurisdiction as they may think expedient.")—(*The Duke of Richmond.*)

THE EARL OF KIMBERLEY objected to the Amendment, which he thought went to the whole root of the Bill, inasmuch that it practically left matters where they now stood. He could understand the proposition as being applicable to counties, but he could not see how it could work in boroughs. Independent of this objection, the plan suggested by the noble Duke provided none of the safeguards contained in the Government measure. He would not say that licenses had been granted by the county magistrates improperly or without due consideration, but it was generally admitted that the number of houses at present licensed was far too large, and Parliament, by the course it had adopted in reference to this subject, had shown a determination not to permit an evil already too great to assume still larger proportions. It was only last year that Parliament passed a Suspensory Act forbidding the granting of any fresh licenses without the sanction of the Secretary of State; and it was a mockery, and worse than a mockery, to attempt to legislate on this subject if they did not adopt some plan for the restriction of new licenses. The plan of the noble Duke opposite would be of no use whatever in this way, for licenses would be granted with just the same absence of discrimination, and deference to the public-house interest rather than the interest of the public, as they were now. The proposal of the Government was to make the concurrence of three bodies necessary to the granting of a new license. They therefore provided that in counties an application for a fresh license should receive the approval first of all of the authorities as at present constituted; secondly, of a committee of Quarter Sessions; and, finally, the assent of the Secretary of State. In boroughs where there was a numerous body of magistrates a similar process had to be gone through; but in smaller boroughs, where it would be impossible to form a committee out of the already small number of magistrates, the assent of the whole body, in the first instance would be submitted, without any intervention, to the Secretary of State. The

result of that system, he believed, would be that no license would be refused where it could be shown that any real want existed. The case of renewals and transfers stood upon an entirely different footing. He should have been glad to introduce in the Bill further restrictions in that direction, if it could have been done consistently with the interest of those already engaged in the trade. It was inexpedient, however, to deal with renewals beyond what was absolutely necessary; the main point was to introduce a very strict revision of the granting of new licenses.

LORD CAIRNS said, the Suspensory Act was passed under special circumstances. Parliament had indicated its intention to restrict the granting of licenses, and it was feared there would be a great rush of application for such licenses. For this temporary purpose nothing could be more proper than to give the Home Secretary a veto on the granting of new licenses; but what it was wise to do for a time, it would be unwise to do as a permanent arrangement. From present appearances it was certainly inexpedient to add to the duties of the Home Secretary—indeed, it was obviously impossible for the Home Secretary, overwhelmed already by the weight of his other duties, to determine in his office in Downing Street the merits of every application for a new license, or whether more public-houses were wanted in a particular district or not. The legislation on this point should be positive, and there should be no possibility of one Secretary of State undoing the act of another Secretary of State. And if the duty were thrust upon him, upon what principle was he to act? Was he to lay down a rule for himself that he would allow no more licenses to be granted beyond a certain number, according to the population? That was a feasible rule, but different Secretaries of State might lay down different rules. If the Home Secretary were to decide the question upon the merits, how was he to gain evidence as to whether the premises of A. B. were properly constructed, or whether he was a trustworthy person? All the Secretary of State could do would be to resort to private inquiry, and the granting of licenses would degenerate into a party question, than which nothing could be more objectionable. If they wanted to

bring the Secretary of State into ridicule and involve the matter in inextricable complexity, they could not do better than place this power in the hands of that high officer.

THE DUKE OF SOMERSET thought as regarded counties a revision of the decision of the committee by the magistrates of the county would be a very good plan; but did not approve the proposal to give the Home Secretary the power of refusing a license. If he exercised the right, questions would be frequent in the House of Commons on the subject, and perhaps direct Motions would be made—a course which would detract from the character of the office of Secretary of State.

THE EARL OF KIMBERLEY said, he would have no objection to striking out the words conferring the power of veto on the Home Secretary, provided the other part of the clause was allowed to stand, the object of which was to control the number of new licenses issued.

The words enacting “approval of Secretary of State” *struck out*.

On Question, That the words proposed to be left out stand part of the Clause? Their Lordships *divided*:—Contents 53, Not-Contents 50: Majority 3.

Resolved in the Affirmative.

Clause, as amended, *agreed to*.

Clauses 40 to 44, inclusive, *agreed to*.

Clause 45 (Confirmation of licenses) *struck out*.

Clauses 46 to 49, inclusive, *agreed to*.

Legal Proceedings.

Clauses 50 to 52, inclusive, *agreed to*.

Clause 53 (Liabilities of aiders and abettors) *struck out*.

Clauses 54 and 55 *agreed to*.

Clause 56 (Power of justices to direct prosecution of offences) *struck out*.

Clause 57 *agreed to*.

Miscellaneous.

Clauses 58 and 59 *agreed to*.

Clause 60 (Appearance of justices to defend appeal) *struck out*.

Clauses 61 to 65, inclusive, *agreed to*.

Saving Clauses.

Clause 66 (Saving of certain rights).

THE DUKE OF SOMERSET moved the rejection of sub-section 11, which provides for the sale of wine by retail, not to be consumed upon the premises, by a wine merchant in pursuance of a wine-dealer's license granted by the Commissioners of Inland Revenue.

THE EARL OF KIMBERLEY objected to the omission, on the ground that the grocers' license, which would be affected by the rejection of the sub-section in question, would take away the existing security for the sale of pure wines and spirits by retail.

THE DUKE OF RICHMOND said, the sub-section required at least amendment, and he would bring up an Amendment on the Report.

Clause *agreed to*.

Definitions.

Clause 67 (Interpretation) amended, and *agreed to*.

Repeal.

Clause 68 (Repeal of Acts mentioned in Schedule).

THE EARL OF KIMBERLEY proposed to insert—

"And in particular there shall be repealed so much of the Wine and Beerhouses Acts as makes such Acts temporary in their duration, and the said Acts shall henceforth be perpetual."

Amendment *agreed to*.

Clause, as amended, *agreed to*.

First Schedule ("Deleterious Ingredients") *agreed to*.

Preamble *considered* and amended by inserting the words "and the better prevention of drunkenness," as one of the objects of the Bill.

The Report of the Amendments to be received on *Thursday* the 6th of June next; and Bill to be *printed* as amended (No. 106).

CHURCH OF ENGLAND FIRE INSURANCE
BILL [H.L.]

A Bill intitled An Act to amend the Ecclesiastical Dilapidations Act, 1871, and to provide for the Insurance against Fire of Buildings belonging to the Church of England—Was *presented* by The Lord ELMARON; read 1^a. (No. 102.)

PETROLEUM BILL [H.L.]

A Bill to amend the Petroleum Act, 1871—Was *presented* by The Earl of MORLEY; read 1^a. (No. 104).

House adjourned at half past Eleven
o'clock, till To-morrow,
Twelve o'clock.

HOUSE OF COMMONS,

Friday, 10th May, 1872.

MINUTES.]—PUBLIC BILL—*Third Reading*—Consolidated Fund (£6,000,000)*, and *passed*.

INDIA—RECRUITING OF COOLIES.

QUESTION.

SIR CHARLES WINGFIELD asked the Under Secretary of State for India, Whether the attention of the Secretary of State has been turned to the Report of the Commissioners appointed to inquire into the treatment of Immigrants in British Guiana, presented to Parliament in June, 1871, wherein the following irregularities in the recruiting of Coolies in India are brought to notice:—1st, That the medical examination is hasty, and many infirm and aged persons are shipped; 2nd, That, though always entered as agriculturists in the certificates, many of the Coolies belong to other occupations, and are not fitted for field labour; 3rd, That they are deceived by the promise of far higher wages than the majority of Immigrants earn; and, if the Secretary of State has sent or will send instructions to the Indian Government to inquire into these irregularities, and provide the necessary remedy?

MR. GRANT DUFF: Yes, Sir, the attention of the Secretary of State has been drawn to the Report alluded to, and he is in communication with the Indian Government and with the Colonial Office on the subject.

INDIA—INCOME TAX, PRESIDENCY
OF BOMBAY.—QUESTION.

SIR DAVID WEDDERBURN asked the Under Secretary of State for India, Whether it is the case that the Bombay Government, through its Legislative Council, has for local purposes imposed a tax on incomes of £5 a-year and upwards, while the Government of India

has raised the minimum of income assessable under the Income Tax, first from £20 a-year to £50, and subsequently to £75, and finally to £100?

MR. GRANT DUFF: Yes, Sir, it is true that a tax of the kind has been in operation for some months. It is a local or provincial impost for local and provincial purposes, levied under an Act for imposing duties on the rural non-agricultural classes, and intended to meet the criticism that taxation for provincial and local purposes was laid too exclusively upon the peasants and the land. Like all such imposts, it is merely tentative, and will of course be closely watched both on the spot and in this country.

BANK HOLIDAYS ACT—POST-OFFICE SAVINGS BANKS' CLERKS.—QUESTION.

MR. J. G. TALBOT asked the Postmaster General, Whether it may be understood from his answer, on the 23rd April, that the clerks in the Post Office Savings Banks throughout England will, as far as practicable, be relieved from their duties on December 26, Easter Monday, and Whit Monday; and, whether he will not consent to extend this privilege to them on the other Bank Holiday,—viz., the first Monday in August?

MR. MONSELL: Sir, from the terms of the hon. Member's Question, he seems to be under the impression that in country post offices the savings bank business is separated from other postal business, and devolves upon different persons. That is not so; and therefore, in the large majority of places it would not be possible to give a holiday to the persons engaged in savings bank business without closing the post offices altogether, and such is certainly not my intention. With respect to the second part of the Question, I explained the other day that the Bank Holidays Act did not apply to the Civil Service of the Crown; but I stated also that upon the three days I mentioned, as those holidays were generally observed throughout the City of London, it would be proper to extend them to the servants of the Post Office. I believe, however, that the first Monday in August is not so universally observed, and, therefore, it is not my intention at present to extend the holidays to that day.

BRITISH CONSULAR ESTABLISHMENTS.

QUESTION.

MR. RYLANDS asked the Under Secretary of State for Foreign Affairs, If he is able to assure the House that the Reports from Consuls relative to British Consulate Establishments recently laid upon the Table are given in full, and have not been abridged in any important particular?

VISCOUNT ENFIELD: I believe, Sir, that nothing whatever has been omitted in printing the Consuls' Reports as far as answers to the queries in Lord Granville's Circular of August 26, 1871, are concerned. In a very few instances Consuls went into matters extraneous to those subjects, or made remarks of a personal character, touching Departments, Foreign Governments, and individuals, and these have been omitted.

MR. RYLANDS asked, Whether it is not a fact that some of the passages which have been omitted contain suggestions for economical reforms in the Consular Establishments which may with advantage be laid before Parliament?

VISCOUNT ENFIELD: Sir, the Consuls were requested to answer as fully as they pleased the queries contained in Lord Granville's Circular of the 26th of August; but in some cases they went into other matters, some of which I will mention. In one case the Consul alluded to the re-organization of the Board of Trade; another referred to the constitution of the Foreign Office, and a third commented upon the strange discrepancy existing between the English Law and the Laws of Moses on the subject of bigamy. These, and one or two other matters referred to in the Reports were considered irrelevant, and it was decided to expunge them, in order that they should not appear upon the Table of the House.

INDIA—EDUCATIONAL SERVICE — RETIRING PENSIONS.—QUESTIONS.

SIR STAFFORD NORTHCOTE asked the Under Secretary of State for India, Whether the Secretary of State has under his consideration the question of granting retiring pensions to officers in the Educational Service; and, if so, whether he has come to any conclusion upon it?

MR. GRANT DUFF: Yes, Sir, the Secretary of State has had under his consideration the matter alluded to by my right hon. Friend, and is awaiting a despatch from the Government of India on the subject, which he hoped to have received before this.

DOMINION OF CANADA—TREATY OF WASHINGTON—GUARANTEED, CANADIAN LOAN OF £2,500,000.—QUESTION.

MR. BAILLIE COCHRANE asked the Under Secretary of State for the Colonies, Whether he will lay upon the Table all the Correspondence between the Home Government and the Dominion of Canada and Nova Scotia on the subject of the Washington Treaty, since the date of its signature; and whether, as this Correspondence is essential to enable the House to form a just opinion as to the proposed guaranteed Canadian Loan, these Papers will be laid upon the Table before the holidays? He also desired to put another Question bearing upon the same subject, and having special reference to the Papers which have been delivered. He found from the Papers laid on the Table that a Despatch from the Committee of the Privy Council of Canada was received by Lord Kimberley on the 30th August, which denounced in the strongest terms the Washington Treaty, and that the Despatch was not acknowledged by the Colonial Office until the 23rd of November, so that three months elapsed between the receipt of the Despatch and its acknowledgement. He wished to ask, Whether there was a mistake as to the date; and, if not, whether the hon. Gentleman will lay on the Table any Despatch received between the 30th of August and the 23rd of November?

MR. KNATCHBULL-HUGESSEN: Sir, if my hon. Friend will refer to the Correspondence already presented, he will see that it is not confined to the question of the Loan, but goes into the whole subject of the Treaty. We have no further Correspondence with the Dominion Government to present as to the Treaty. Neither is there any Correspondence with Nova Scotia, as since the Confederation we have no direct communication with any of the Provinces which form that Confederation, but only with the Government of the Dominion. With regard to the second

Question, it is not out of any personal disrespect to my hon. Friend, but out of regard to the established practice and usage of this House, that I must decline to answer a Question upon so important a point without the ordinary Notice.

ARMY—RETIREMENT OF INDIAN FIELD OFFICERS.—QUESTION.

COLONEL BARTTELOT asked the Under Secretary of State for India, with reference to a statement made by him on the 21st of March, in answer to a Question which he put to him, Whether the scheme which is under consideration to induce Field Officers of the Indian Army to retire is intended to apply to Field Officers generally, or to those only who are unemployed?

MR. GRANT DUFF: Sir, the scheme to which I alluded in my reply to my hon. and gallant Friend was one submitted by the Government of India, and which had for its object a reduction in the number of surplus and unemployed officers in that country, so as to save expense. There is no desire on the part of Her Majesty's Government to dispense with the services of any of the very efficient officers who are at present employed in that country.

ROYAL MINT—SILVER COINAGE. QUESTION.

MR. BARNETT asked Mr. Chancellor of the Exchequer, Whether, in view of the continued inconvenience arising from a scarcity of Silver Coin and Half-sovereigns, he contemplates any plan to increase the power of coining at the Royal Mint, or to supplement it from any other source?

THE CHANCELLOR OF THE EXCHEQUER: Probably, Sir, the hon. Gentleman is aware that we issue silver coin through the Bank of England. On the 2nd of this month we received an application from the Bank for a further issue of silver coin, but accompanying that intimation was a demand for a further supply of gold coin. There is, of course, a good deal of difficulty in carrying on two different coinages at once in the same establishment. This is, however, what we are now doing, and hope to be able to do till we have overtaken the demand. The pressure on the Mint has of late been something enormous. The

Bank has issued £16,000,000 of gold during the last 12 months, in excess of the amount received from the public, which is about three times as much as is usually required, and in the same way the £860,000 of silver issued was three times more than the quantity usually required within the same period. No doubt there are ways by which we might put ourselves in a position to overtake any demand which may be made on us. One of these is by the erection of new machinery. The machinery we have at present is antiquated, and it would cost us about £40,000 to put us on a level with the best Mints. I did hope to be able to do what was required in this direction without any expense falling upon the public by disposing of the present site and purchasing one which is at the same time cheaper and more suitable. That proposal the House refused to accede to; but I am reluctant to incur this expense until I am certain that the House will not entertain the proposal. There is another matter which is also worth considering. We are at this moment sending large quantities of gold out of this country for the purpose of being melted down and being coined for other nations. The fact is that our gold is so well assayed that it saves a good deal of trouble to those who desire to use it for this purpose, because it can be melted down and used at once. The remedy for this would, of course, be to charge some mintage on gold, and so make it not worth people's while to export it. For the inconvenience complained of by the hon. Gentleman I have no remedy to suggest, but a little patience and to go on as we are.

SPAIN—SEIZURE AND DETENTION OF THE "LARK."—QUESTION.

MR. SERJEANT SIMON asked the Under Secretary of State for the Colonies, Whether any information has been received at the Colonial Office respecting the seizure and detention by the Spanish authorities at Manzanilla in Cuba of a vessel called the "Lark," belonging to Jamaica, which, under stress of weather, had been obliged to put into that port, or had been taken there by a Spanish gunboat in January last; whether, notwithstanding the production of her papers and her clearance, showing her port of destination, and the explanation of the

circumstances which had obliged her to seek refuge at Manzanilla, and in spite of the assurances and remonstrances of the British Consul at that place, the vessel was detained for eight days under the alleged suspicion that she was conveying arms to the Cuban insurgents, although search had been made and no arms had been found on board; whether, under these circumstances, and without being taken before the Consul or any official person for examination, the owner, a merchant of Jamaica, a passenger, and the crew, consisting in all of seven British subjects, were taken on shore as prisoners and confined during the period mentioned in the common prison, among criminals of every description, many of whom were afflicted with loathsome and offensive diseases; and, under such circumstances of hardship and suffering, without even a bed or a seat to rest upon, except such as they were able after a time to procure at their own expense, that their health became more or less affected; whether before they could obtain their release they were required and obliged to sign a document professing to thank the Spanish authorities for the kindness with which they had been treated, and promising not to make any claim for compensation; and, whether Her Majesty's Government have taken, or intend to take, any and what steps to obtain redress and to procure compensation for these injured persons?

SIR JOHN PAKINGTON: Sir, before the hon. Gentleman replies, I desire to ask, Whether a Question of this unusual length, and containing a recital of so large a number of details, which may or may not be accurate, is in accordance with the Rules of the House?

MR. SPEAKER: In answer to the appeal of the right hon. Baronet, I am bound to say that the Question cannot be held to be out of Order. At the same time, I feel equally bound to say, that the Question is of such a character that, if the hon. Gentleman to whom it is addressed should object to answer all the facts alluded to on this occasion, the hon. and learned Member who puts it might—and, perhaps, more properly—find himself under the necessity of putting the Question on the Paper as a Notice of a Motion on the subject.

MR. KNATCHBULL-HUGESSEN: Sir, with all deference to your decision, I do not think that this Question is one

which would have been better presented in the form of a Motion, and if the hon. and learned Gentleman had not stated the facts in his Question, I fear I must have detained the House by a longer statement than will now be necessary. Communications have been received upon this subject both from the Governor of Jamaica and from Her Majesty's Consul General in Cuba. Those communications convey to us intelligence very much in accordance with the statements made in the Question of my hon. and learned Friend. Immediately upon the receipt of that intelligence at the Colonial Office, we communicated with the Foreign Office, and without loss of time representations have been made to the Spanish Government through the British Minister at Madrid. Her Majesty's Government are at present awaiting the reply to those representations from the Spanish Government.

MR. SERJEANT SIMON said, he desired by way of justification to say that he had consulted his hon. Friend as to the form in which he should put the Question, and that in its present shape it had received the sanction of his hon. Friend before being placed on the Paper.

TREATY OF WASHINGTON.
TRIBUNAL OF ARBITRATION (GENEVA).
THE INDIRECT CLAIMS.
CORRESPONDENCE. QUESTION.

MR. OTWAY: I wish, Sir, to ask my right hon. Friend, the Prime Minister a Question of which I have had no opportunity of giving previous Notice. I have understood that it is intended to make some communication to this House on Monday next with reference to the progress of the negotiations with the United States of America. The Question I wish to ask is, Whether the Papers which are expected to be laid upon the Table of the House, bearing upon the question, will be in the hands of Members before Monday, or on Monday, the day when it is expected the communication will be made?

MR. GLADSTONE: Sir, we do not purpose laying any Papers on the Table before Monday, nor can we say whether it will be expedient that Papers should be presented then or not. We will, however, endeavour, for all practical purposes, to place the House in exact

Mr. Knatchbull-Hugessen

possession of the actual state of the negotiations.

MR. BOUVERIE: I thought, Sir, I understood the other day, that the position of this House with regard to these negotiations would be exactly the same as the position of the House of Lords, and that it would be afforded an opportunity for discussion, in case it should desire to consider the matter.

MR. GLADSTONE: My right hon. Friend is perfectly correct in his assumption.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

CRIMINAL LAW—REFORMATORY AND INDUSTRIAL SCHOOLS.

RESOLUTIONS.

SIR CHARLES ADDERLEY, in rising to call attention to the subject of Reformatory and Industrial Schools, and to move the following Resolutions:—

"That all Schools for poor children, aided by public money, should be under one general Education Department.

"That Industrial Schools should not be treated as penal institutions, but that children of tender age, whether merely vagrants or convicted of minor offences, should, after any due correction, be sent to such schools for the rest of their childhood, as to educational establishments where they may be trained to industry."

said, he thought that the Bill lately introduced by the hon. Member for West Kent (Mr. J. G. Talbot) evinced a growing complication of the subject, which deserved discussion. These schools might be now established under four distinct Acts of Parliament—two Acts of 1866, the Elementary Schools Act, 1870, and the Bill now nearly enacted just alluded to. They were supported from four sources—voluntary subscriptions, Treasury Grants, school rates, and county or borough rates. Public elementary schools of all sorts were scattered separately under separate departments—Elementary Schools being under one department, pauper schools under another, and reformatory and industrial schools partly under one Department, and partly under another. All schools supported by public money should be placed under the Education Department of the State, both as regarded inspection and finance.

Whatever varieties of circumstances might affect their inmates, the want of education was common to all, and so far as the object was the supply of that want at the public expense, the Department superintending such supply should be one and the same. It was neither wise nor just that any of these educationally-aided classes should have its education under the control of a department which had nothing to do with education. In the instance of industrial schools, which dealt with children who had not even fallen into crime, it would be admitted at least in their case that the State, in assuming *locum parentis*, though perhaps obliged to lodge and feed as well as educate, need not educate a child on the score of its desertion as a different animal from an ordinary child. Again, it was a growing conviction in the minds of all who had paid any attention to the subject that pauper schools should not be placed in workhouses, but that they should be separated from them, and great expense had been incurred in making large pauper schools, of which there were a group near London, which had given the nickname of "Pauperia" to the locality. The feeling, however, which had dictated that large outlay was to get the children out of workhouses; and the growing practice of this country was to go a step further still, and get such children to the national schools or the other schools of the country—at all events, to get them out of the workhouses, because the workhouses were not proper places for education, nor should the Poor Law Board be brought into the workhouses for educational purposes. The educational superintendence should be the same for all classes of children, from whatever cause thrown on public aid for education. It was a growing practice in Parliament to treat every detail of the same subject with isolated legislation and separate machinery. Every sort of factory had a distinct Factory Act and set of Inspectors. A central Education Department does not fulfil its post unless it embraces every kind of education to which the people contribute. Each kind of school may be distinct; but the superintendence and inspection of all belongs properly to the central Ministry established for that purpose. One incidental objection to the present system was that Parliament never had presented to it the total

cost of public elementary education, for one item came in the charge for one department and one in another; the power of the House to check expenditure was taken away, although the division of control was in itself a cause of waste. He (Sir Charles Adderley) was in favour of what the right hon. Member for Droitwich (Sir John Pakington) had often urged—a Minister for Education who should be directly responsible to Parliament for all educational expenditure, instead of the provisional arrangement still continued from the earliest tentative essays on the subject, leaving the subject in the hands of a subaltern officer of the Privy Council, without authority to guide the policy of the Department, and in a situation which prevented his feeling full responsibility.

To come now to an exclusive consideration of the two kinds of public elementary schools referred to in the Resolution—namely, reformatory and industrial schools, they were now both treated practically as identical, whether that House wished them to be so or not: his own idea, however, always had been that they were identical, not only in inevitable practice, but originally in idea. He drafted the first Bill on the subject of reformatory schools, which was taken up by Lord Palmerston and passed as a Government measure, with the chief alteration of substituting the title "juvenile" for "youthful" offenders, and he had for many years been engaged in the practical management of those institutions. The original idea of a reformatory was, that a number of children in all great towns being wholly without parental care ran about the streets and fell into crime; and that it was the interest of the State not only to punish them adequately for their offences, in order to deter them from crime, but after their punishment not to let them go back to their old neglected condition, but to step in, *in loco parentis*, and give them that education the want of which threw them into crime. The idea of industrial schools was that it was felt by a great many magistrates that the reformatories were made of too penal a character for the class of children who came into them; and more and more so, because the class of children who existed at first ceased to exist, by the mere fact of police interference having, however roughly, broken up the

nurseries of youthful crime, and therefore they wanted a less penal class of schools to be adopted. The origin of the industrial schools was much the same as that which led to the establishment of houses of correction, under the mitigating notion of secondary gaols. As they relented from a Draconic code of hanging and imprisoning children, former habits lingered, and even now many still failed to embrace the full idea which substituted reformatories for prisons and death to criminal children. Although some attempts had been made to distinguish between the class of children sent to industrial schools and those sent to reformatories, yet, generally speaking, the inmates of both were in practice the same, for both were children utterly neglected and thrown upon the streets; and, so far from being children whom the Education Department should "shunt" to other agencies, they were the very class which that Department should take primarily under its supervision; because its business was not to give education to all, but to those who were unable to get it in any other way. In fact, they were the very class for whom the hon. Member for Birmingham (Mr. Dixon), much to his credit, tried to introduce the compulsory system, in order to force them into schools. They were, in fact, the only subjects of compulsory education they yet had, and the system developed, would probably supply all they wanted to have. There was great truth in the Jewish proverb that "the parent who brought up his child in idleness brought him up as a thief!" But convictions were not always a test of criminality. The convicted were often the most innocent. Besides, magistrates often committed children indifferently to reformatory or to industrial schools from reasons totally unconnected with their criminality, and sometimes even almost trumped up a conviction in order to get a neglected child into a good reformatory. He wished to assure the House that he was not at all trying to represent reformatories and industrial schools as having failed in their object. His purpose was to make them more perfect and more consistent with their true intention. It was the greatest satisfaction to him to think that it was to the Reformatories and to the Discharged Prisoners' Aid Societies that they were indebted for, what they

might now hope to be, the permanent reduction of crime in the country. Reformatories had broken up the nurseries of crime, and there was now no longer the class of hardened juvenile criminals such as there was some 25 years ago. It was true that there were individual cases occurring every day of juvenile offenders *quibus malitia supplet aetatem*; but those offenders should be sent to prison and dealt with as adults. He was, therefore, the last man who would deny that reformatories and industrial schools had done great service; but he would be also the last man who would allow any old prejudices to stand still in the way of their complete and perfect success. That brought him to the main point of his Resolutions, and that was that these educational institutions were misused in being made penal in their character. The fact of their being treated as penal frustrated, in many important particulars, their intention. It was the greatest possible mistake to identify punishment with education. They were two separate ideas, and had only the relation to each other that medicine had to food; but they would never think of feeding a child during the whole period of childhood on medicine, and drugging all his food. They were trying to make their prisons schools and their schools prisons; whereas, it seemed to him that the special object of reformatories was, and ought to be, to raise the children in them out of the criminal class. As education was only incidental to the infliction of imprisonment, so punishment should be only incidental to the curriculum of school. They were giving long terms of imprisonment to try to reform character in places where punishment only was possible; and, on the other hand, a number of children, led into crime before their character was formed, were subjected to prolonged punishment during all their childhood, by way and under the parental pretence of education. That was a doubly false policy, both the treating of prisons as schools and of schools as prisons. There was folly as well as injustice in fixing for life the convict stamp both in a child's own consciousness and in the world's opinion of him. The chief object in making reformatories was to get neglected children out of the category of criminals as soon as possible, and not while whitewashing to continue staining them during the whole time they were in their charge.

Sir Charles Adderley

If they wanted to rescue from criminal character, why stereotype it? Why destroy the self-respect they wanted to set up? Why bar the entrance to honest ways of industry which they wished to open? At present the entrance to several kinds of industry was barred to youths who had been educated at reformatories. The principal services of the country were shut against them. The Navy was shut against them. No captain of a ship-of-war would take a boy from a reformatory, unless the boy were first further whitewashed by passing through some intermediate employment in the merchant service. The Army and Militia were closed against them. No colonel of a regiment would allow a recruiting sergeant to take a boy from these institutions; and if those who had been in reformatories were sent to the colonies, the colonies felt insulted, although they were the best trained class of emigrants for many purposes that could be sent. He would point out to the House another evil arising from the penal character of these institutions. He had information which showed that magistrates were often unwilling to impose a sentence of the full period of childhood to a reformatory or an industrial school, thinking it hard to give such penal treatment to a child; although, at the same time, they knew that the consequences of a shorter sentence would be turning out the child before the completion of his education. It was a stigma on a civilized country that it should by law treat penally for all their younger years children for whose previous neglect that country offered the remedy of education *in loco parentis*. Such treatment of a child of the upper class who might commit a crime, though not so excusably, would be considered monstrous. Magistrates, as he had before observed, were sometimes almost tempted to trump up a charge against children, merely for this absurd penal qualification for schooling, that they might be sent back again, after a too early discharge, in order that their education might be completed. In practice these institutions were educational, and their usefulness as such was impeded by their being nominally penal. He must remind the House that his Resolution did not apply to reformatories, and that it merely proposed that industrial schools, stripped of their penal character, should be trans-

ferred from the Police to the Education Department. Before he sat down he would anticipate one or two objections which might be made against his proposition, and which he had attempted to gather from circulars sent up and down the country with the view of getting up an opposition to this Motion. By-the-by, he was rather surprised that these circulars should have emanated from the Government Inspector of Reformatories, and must say that it was not that gentleman's duty to get up agitation on the subject one way or another. Most of the objections raised in these circulars amounted to an expression on the part of very excellent managers who had got institutions of the kind in question very comfortably in their own hands and did not like any change—"We are very comfortable as we are; why cannot you let well alone." He thought, however, that he had shown that the circumstances of these schools were not "well," and that they ought not to be let alone. In his view, these institutions, the value of which to the country had been established by their success, might be further carried out to their first intention, now that the old notions of child-imprisonment and hanging had subsided, and become of even still more value. It had been urged against his proposal that it would be positively immoral to treat bad children on the same footing as the good; but was it reasonable to declare that a child that had once been criminal must always remain criminal? Was the opportunity afforded to it for becoming an honest and industrious citizen, and yet was it immoral to treat it as anything but a criminal child all the while? But it was not proposed to put them to the same schools as the "good children." The proposal was that their schools should be in the school department. It had further been argued that disgrace should continue to attach to these children while they were in these schools in order to prevent parents from encouraging their children to commit crime, with the view of getting them into these institutions. Such parents were not tempted by such motives at all; but if they were, the proper check was to make the parent pay, at least, as much as the child's maintenance at home would have cost, and if the law on that point was not carried out, it was the fault of those who ought to enforce it. It was

rather owing to the distinction now made, and which he wished to remove, that these schools enjoyed a tempting superiority to the ordinary elementary public schools of the Education Department. Another objection was a mere sentiment, that these schools were places of detention, and therefore must be under the Home Office. Now, all schools were in some sense places of detention, for if a boy ran away from Eton, he was caught and sent back. [Mr. BRUCE: By his parents.] Exactly; and unless the State stood *in loco parentis* to these children, whom it took from their neglectful parents, the entire justification of such institutions ceased. If compulsion was to be carried out under the Act of 1870, all public elementary schools would be connected with the police, and, according to this objection, should be under the Home Office. There was legal detention in apprenticeship; but must apprentices, therefore, be in the department of police? He, moreover, wished that the penal part of the treatment of criminal children should be in the hands of the police, but the educational part in those of the Education Department. A child thrown into lawless habits or acts by want of education should be punished, and after suffering punishment should be sent to school; while, if he ran away, the police should catch him. The less of prison for a child, even in his punishment, the better. Whipping had high authority and successful experience to support it for children. Flogging, however, seemed the sole remaining privilege of the higher classes; and it seemed to be considered the privilege of children of the lower class to be deemed criminals during the whole period of their schooling. As to the objection that the Education Department could not give the peculiar treatment required by criminal children, and would be too intellectual in its education of them, he would reply that the Department should be adapted to the discharge of all its duty, and not the duty allowed to be partly out of the reach of its Department. Dislike of that Department was at the bottom of the opposition to this Motion, for the benevolent persons who had for 30 years conducted the reformatory and industrial schools and spent large sums of their own money in a most useful manner, aided by grants and inspection, under the quiet shade of the Home

Sir Charles Adderley

Office, feared that the Education Department, being always exposed to criticism as the avowedly responsible office for such matters, and in perpetual turmoil, and subject to debate on all its actions or orders in Parliament, would be constantly involving them in trouble. That, however, was not a good reason why the Department should be allowed to hide part of its proper duty in another Department unsuited to it. The Education Act of 1870 allowed school boards to undertake such institutions, and the Bill of the hon. Member for West Kent (Mr. J. G. Talbot) would leave them in a doubtful position between the prison and the school authorities. There was, therefore, a transition state already introduced, and the law was becoming complicated. He hoped, therefore, that the House would give their serious consideration that year to the Resolutions which he thus offered to their notice; and if the Government did not next Session undertake to deal with the subject, he should attempt an amending and consolidating Act, placing the schools in question on the simple footing they were intended to occupy, under the public elementary school Department.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "all Schools for poor children, aided by public money, should be under one general Education Department; and that Industrial Schools should not be treated as penal institutions, but that children of tender age, whether merely vagrants or convicted of minor offences, should, after any due correction, be sent to such Schools for the rest of their childhood, as to educational establishments where they may be trained to industry."—(*Sir Charles Adderley*.)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. MELLY said, as representing the managers of several of those institutions, among whom he might instance the name of a lady well-known in that House, Miss Mary Carpenter, he must object to the Motion. He had paid great attention to the subject for many years, and his complaint was, that the schools were not penal enough; and that the first necessity in these schools to which children were sent should be strict penal restraint. If there were to be penal institutions—juvenile prisons, in which the

first motive power was the policeman, the second the magistrate, and the third the conviction, they ought, of necessity, to come under the control of the Home Office, as they properly did at the present time. He had always thought there ought to be only three kinds of schools for the poorer classes—namely, national day, workhouse, and criminal schools; and were the last class transferred to the Education Department they must either be crippled by the principle of payment for educational results, or a different scale of payment must be devised for them. Moreover, the adoption of the course proposed by the right hon. Gentleman would seriously add to the burden of Poor Law relief in each district, and would deal a heavy blow to the whole question of education, for, even under the present system, parents had only to be drunken, dissolute, and neglectful enough, and the magistrates would send their children to the industrial schools, which were, in fact, boarding schools, at the rate of £18 a-year. Several stipendiary magistrates had written to him that the effect of that was, that admission to these schools was already sought as an object of honourable competition. The right hon. Gentleman further wished to diminish the penal character of these schools, which was already too slight; to make a still larger invasion on the public purse; and that still more encouragement should be given to the poor to neglect their children. He (Mr. Melly), however, contended that their legislation should have objects directly opposite to these; and upon that ground alone, he should be anxious that the Resolutions should be negatived. If the schools were to be penal institutions, then, of necessity, they should be in the hands of the representative of public justice; and upon that ground, he contended that the Home Office should have the control of them; but if those schools were placed under the Education Department they must be put into the hands of the school boards; and, if so, their education must be carried on in the manner pointed out by the Education Act of 1870. Now, no man had been more anxious than himself that the education imparted under that Act should be unsectarian; but as the State stood *in loco parentis* with reference to the children in question, and had the entire control of, and responsibility for,

them for the five or six most important years of their lives, it would be absolutely necessary to give them religious as well as secular instruction, and in that case the religious difficulty would again crop up, because dogmatic religious teaching would be paid for out of local rates. In fact, that difficulty had already been experienced in Liverpool, and there was no doubt many of the large towns would follow her example, and, after an acrimonious contest, elect men pledged to refuse to support such schools. He, therefore, hoped that the children would be left in the hands of those Christian people who had established the schools; but he should be glad to see a stricter system of inspection established, and that the attention of the magistrates should be again called by the Home Secretary to the indiscriminate and extravagant way in which they had, in some instances, exercised their powers.

MR. GATHORNE HARDY said, he must oppose the proposition of his right hon. Friend. It might have been supposed from the speech of his right hon. Friend that he was attacking institutions that had not done the duty assigned to them, yet he showed that where he himself was in charge of a school they had almost exhausted the bad materials with which they began, and were getting a better class; and that was because the school system had worked so well under the discipline established under the Home Office, that there was really nothing to be desired in that respect. His right hon. Friend had said that the schools had answered so admirably that they had got rid of the very bad material that had previously existed in Birmingham; and then he said that when you put a child into the institution it was ruined for life. The two things seemed to him (Mr. G. Hardy) to be inconsistent. It was not, however, only because the schools were under the Home Office instead of the Education Department that objection arose to the Resolutions. Conceive the injury which would be done by them with respect to the education of the poor. A great number of children were destitute in consequence of the destitution of their parents, or because they had been deserted by their parents; and, unfortunately, some of these children were educated in workhouses. Now, it would obviously be inconvenient for the Educa-

tion Department to interfere in the management of workhouses, which at present were most admirably inspected, even with regard to education, by Inspectors connected with the Poor Law Board. For instance, everyone who had perused Mr. Tuffnell's Reports was aware that that gentleman had conducted such examinations in a most efficient manner. His right hon. Friend had said it was absurd to have different classes of Inspectors as under the Factory Acts; but it should be borne in mind that the whole system of inspection was under one Department. Children employed in factories were educated under the half-time system; but surely it would be absurd to impose on the Education Department the duty of inspecting the whole treatment of such children. Institutions like industrial and reformatory schools, in which a penal discipline was enforced, must necessarily be under the control of the Home Office, and the accessory must follow the principal, and so the intellectual and moral instruction, as well as the general discipline, came under the Rev. Sydney Turner, and in that way were achieved those results which had been alluded to in terms of approval by his right hon. Friend and the hon. Member for Stoke (Mr. Melly). Children came into these institutions, because the religious bodies outside had failed to arrest them in their career. Therefore, they must be treated like criminals, lunatics, and others, and be placed under chaplains or religious teachers who would undertake to train them. Indeed, he believed that no attempts had been made to establish reformatories without such definite religious training. Some of them had been established by Roman Catholics, some by members of the Church of England, and some, he believed, by members of other religious bodies. In all cases, however, where children were shut up and kept away from the operation of the voluntary energies of the different religious bodies, they must be placed under the care of those who would undertake their whole religious instruction; but if these institutions were connected with the Education Department, which acted upon different principles, a conflict would ensue which it was most desirable to avoid. His right hon. Friend (Sir Charles Adderley) was aware that this was not a new subject to him, for when

he was Under Secretary of State for the Home Department his right hon. Friend had addressed a Memorandum to the Home Office, and he (Mr. G. Hardy) had investigated the subject, and placed on record the convictions which he still entertained. Where the jurisdiction was criminal, beginning with, and continuing under penal discipline, the Home Office was the proper authority to deal with the liberty of the subject, which was involved in the question. The object, then, was so to educate and discipline the minds of the children, that when they left the reformatories they should be fit to enter the merchant service or to be bound to some trade, and so to pass through the intermediate discipline, after which they were readily admitted into the Army or Navy. The Home Office, as had been admitted by his right hon. Friend, had admirably done its duty in regard to these schools; but if that duty was neglected, the proper course would be to censure the Office, rather than to place the schools under another Department which had already quite enough to do; and however ambitious the Vice President of the Council might be to have the entire education of the country in his own hands, he did not suppose the right hon. Gentleman would wish to take these criminal classes from that discipline and authority which had been exercised with so much advantage to them and to the country.

MR. CANDLISH said, a great part of the life of the right hon. Gentleman who had brought forward the subject had been devoted to the great work intended to be accomplished by reformatory and industrial schools, and he, therefore, regretted that he was unable to accept the right hon. Gentleman's proposal. Not only was it the case that the conductors of industrial and reformatory schools were tolerably unanimous in their opposition to it, but the right hon. Gentleman himself even had given the strongest testimony as to the efficiency of these schools at the present time. If the children in such institutions rebelled against the law, for instance, what authority was so well fitted as the police to restore them to subjection? The right hon. Gentleman urged that the whole of the money devoted to educational purposes ought to appear under one head; but, surely, anyone

Mr. Gathorne Hardy

interested in the subject could easily ascertain the sum total with perfect accuracy. It was further admitted on all hands that these schools were extremely well managed, not under the operation of the law, but by means of voluntary efforts in a spirit of earnest Christianity and love; and he thought, therefore, that any legislative interference with them might weaken the interest of those who maintained the schools, and so diminish the usefulness of the schools. While he admitted that the discussion which had taken place would have a very wholesome effect, he was glad, for the reasons he had stated, that the right hon. Gentleman did not intend to ask the opinion of the House upon his proposal.

SIR JOHN PAKINGTON said, he should support the Motion, believing that the view of his right hon. Friend was sound and just—namely, that the various schools throughout the country which were supported by public funds ought to be under different management. The hon. Member for Sunderland had alluded to the degree of Christianity and love in which these schools were conducted; but he did not suppose the hon. Gentleman proposed to draw an invidious comparison between the Christianity and love likely to be shown by his right hon. Friends the Home Secretary and the Vice President of the Council, either of whom might with equal safety and advantage be trusted with the management of the schools. As far as his personal opinion was concerned, he did not think the educational affairs of the country, which had grown immensely of late years, would ever be properly conducted until they were entrusted to a responsible Minister of Education.

MR. KINNAIRD said, that he was glad the subject had been introduced, because the country was beginning to forget the enormous amount of good that reformatory and industrial schools had done, and to look, he was inclined to add, in a rather less generous spirit than formerly upon these institutions. He was, however, opposed to the change proposed by the right hon. Gentleman; the mere suggestion of which, tending as it would to still more restricted grants, had already produced quite a panic in Scotland.

MR. STEPHEN CAVE said, that as he had long taken a great interest in the question, perhaps he might be allowed to say a few words, especially as he had the misfortune to disagree with the conclusions of his right hon. Friend (Sir Charles Adderley), which he did with great diffidence, there being few persons more entitled to speak with authority on such matters than he was. At the same time, he thought his right hon. Friend had done good service by raising the question; because, since the changes made by the Education Act, public opinion was looking for some guidance on the point, and it might be that the time had arrived for a fresh and closer definition, and even for a new and more complete classification of these schools. He should be sorry, however, to see any sweeping change in their management; for the simple reason that these institutions, especially reformatories, were doing excellent service, and, after many years of very uphill work, the managers and the country were beginning to reap the fruit of their labour and expenditure, as evidenced by the fact that, notwithstanding the increase of population, there had been a great diminution of juvenile crime. The commitment of boys had fallen from, in round numbers, 12,000 in 1856 to 8,000 in 1871; those of girls from 2,000 to 1,000; and yet there had been no increase in the number of reformatories for the last five or six years. On the contrary, there was some difficulty in filling existing institutions with the proper class of inmates, the supply having been cut off by industrial schools, owing to which reformatories had lately been taking in children who ought properly to be in industrial schools. Under these circumstances a statesman would, he thought, pause before disturbing arrangements which worked so satisfactorily. What was the origin of the reformatory and industrial schools? The former were intended to give a better classification than could be effected in prisons; the latter were instituted afterwards still further to extend the classification, for the language of his right hon. Friend's Resolution—"children of tender age convicted of minor offences"—could not apply to the hardened criminals committed sometimes to reformatory schools. Therefore, the original idea of both classes of institutions was quasi-

penal, and it might perhaps be broadly said that children were sent to reformatory schools for their own faults, and to industrial schools for the faults of their parents—it being necessary for the protection of society to visit the sins of the parents on the children. But he quite admitted that that definition was not entirely accurate, because the qualifying clauses in the Industrial Schools Act were too wide; and, consequently, many children were sent to industrial schools, not for their own faults or for the faults of their parents, but on account of the poverty of the parents. Hence arose a confusion of ideas in the minds of those who discussed this subject. One person would be thinking of children committed for their own faults or the faults of their parents, and would regard consequently the school as a *quasi*-penal establishment; the other would have in his mind the victims of poverty only, and would resent the idea that this should be punished as a crime. But what did that point to? Not to altering the character of true reformatory institutions, but to a fresh classification, from which they could eliminate altogether the penal element; and to a new kind of industrial schools for the very poor with no taint of criminality either in children or parents. Such schools would be purely educational, and might be properly placed under the control of the Education Department; but he felt sure that for the present institutions the Home Office was more appropriate. The inmates, if properly selected, had committed crime, or they were on the road to crime; the magistrate committed them, they were under forcible detention. The training was religious, moral, and physical, rather than intellectual. The police captured them when they escaped, and looked after the parents, who were under order to contribute to their maintenance. Again, the managers of the institutions themselves were almost unanimous against the change. They did their work in a rough, homely way which would excite the horror of the Education Department with its overtrained masters and overdressed mistresses. The Home Office judged by general results, and did not trouble itself about the architecture of buildings, or shapes of desks and benches, which had imposed such an enormous, and in many cases such an unnecessary,

Mr. Stephen Cave

expense upon the country since the passing of the Education Act. For instance, there was a wretched hulk in Cardiff doing excellent service among a depraved population, which would not be allowed to exist for an hour under the Privy Council. That strong feeling against a change could not be ignored in a case where the ways and means were so largely supplied by voluntary contributions; and this brought him to the point of the source, other than subscriptions, from which these institutions were supported, mentioned in his right hon. Friend's original Motion. Like many other systems in this country which worked very well, it was neither logical nor symmetrical, and at first sight it certainly seemed strange that any institution should receive money from three wholly independent sources. Yet on examination they would find that the arrangement was defensible—

“A mighty maze, yet not without a plan.”

The voluntary subscription presupposed local and individual interest in the management of these institutions. The contribution out of local rates insured local supervision, and the Treasury grant authorized central inspection, which they knew had been most efficient. The Education Act had merely substituted the school board for the town council in boroughs without altering the principle of the arrangement; but he would admit there was some omission with respect to counties. A very important question, however, especially to rate-payers, arose out of the present system. It was this—how far were they to carry the relief of parents from the obligation to support their children, and the transfer of that obligation to the rest of the community? Formerly, they confined such support to two classes only—criminals and paupers. They had recently extended it to the inmates of reformatory and industrial schools, whom he would call, for argument's sake, *quasi*-criminals. They now proposed to extend it to the poor other than paupers. The London School Board had been debating lately whether it should feed the children of improvident people; but if it was difficult to draw the line at which free education was to be afforded, how much more difficult to decide upon the point at which free subsistence was to be given? He quite admitted that they did this not so much for the good of the individual

as for the protection of society, and that it might be lawful and advisable in such cases—

“To do a great good do a little ill.”

But, at the same time, they ought not to overlook the effect they might produce on the honest poor, who struggled to bring up their families without assistance, if they placed in so much better a position the children of the improvident, and that without any stigma, real or imaginary, such as that which might attach to institutions under the Poor Law or Home Office; for in this way they might be embarking on a very dangerous course. The boarding-out system recently introduced had already been the cause of much heart-burning among the poor in the country. He had heard of a man saying—“Here am I trying to keep myself and my family off the parish, and in the next cottage they have taken in a child at 5s. a-week, whose father drank himself to death after killing his wife by ill-treatment, and whose child has more than twice as much spent on him as I can spend on one of mine.” He did not say that this was conclusive against the system, and he knew that in the case of industrial and reformatory schools they had a certain safeguard in the power of obliging parents to pay, which ought, perhaps, to be more rigidly exercised, though it was full of difficulty; but he did say, that if they not only educated but supported the children of improvident parents at the expense of the community, without attaching the stigma of crime or pauperism to that support, they ran the risk of giving a premium to improvidence, and of very soon making the rates, which were paid, be it remembered, not only by the rich, but by the provident poor, wholly intolerable.

MR. HENLEY said, that the question before the House was, perhaps, one of the most difficult which could be brought under the consideration of Parliament. Children who, either through the neglect of their parents or their own fault, got into the hands of the authorities were from that moment placed in a position infinitely better in every respect, material or otherwise, than in all human probability they would have been if they had remained in the hands of their parents. If they simply looked to the welfare of the poor children, so far as they were concerned, they ought to

be, and no doubt were, subjects of great interest and great care; but the House must be careful not to lead persons who were struggling under difficulties to get on to suppose that the children of the improvident were in a better position than their own, and from the wording of the Resolutions it was difficult to say to what extent they might go in that direction. The Resolutions were, in fact, much too general in their terms, and whether the children were under the management of one office or another was not of any great importance; but whichever it might be, the industrial training should be of the humblest kind; they should be taught to dig and cultivate land, and it was a serious question for consideration whether they should be taught trades, and thereby have an advantage over others. The authorities properly tried to recover the expenses from the parents; but in many cases it could not be done, and when it was obtained it was recovered at a great expense. The question, then, was surrounded with great difficulty and danger, and he was heartily glad the obligation to settle it rested upon his right hon. Friends the Home Secretary and the Vice President rather than upon himself.

MR. BRUCE said, the debate had been conducted so ably that but for his official position he would be content to leave the matter as it stood. The right hon. Gentleman (Sir Charles Adderley) had done good service in bringing forward the question; and no one was better entitled, both from his long official experience and from the great attention he had paid to the question of prison discipline, to state his conclusions in Parliament. His main proposition was that the control of industrial and reformatory schools should be transferred from the Home Office to the Education Department; but the opinion both of that House and of the country generally seemed to be that the Reformatory Department had been well administered, and he was surprised to hear from the Conservative lips of his right hon. Friend a denunciation of the dogma “Let well alone.” While he himself was content to be very much guided in the matter by the opinions of those excellent persons who for the last 20 or 30 years had attended to the subject, yet, at the same time, he was well aware that his right hon. Friend did not desire change for the sake of official

symmetry any more than he would deprecate change which would be beneficial, and that his main object was to relieve these children from the stigma which he held would attach to them during the remainder of their life through their being educated in a criminal school. That, no doubt, was a laudable object; but if there were any grounds for the belief that that stigma did attach to them in after life, surely those who would first hear of it would be those benevolent and experienced persons who managed these institutions. But the desire of these persons was that these institutions should remain under the control of the Home Office. And in dealing with this point he desired to defend the action taken by the Rev. Sydney Turner, for whom his right hon. Friend, in common with all who had anything to do with these institutions, had sincere respect. Mr. Turner, desirous of ascertaining the opinion of those in authority over these schools upon the question raised by the Motion, had made application to them in terms of the utmost impartiality for their opinion, and without giving any indication of the opinion entertained by himself. By an ambiguous use of the term "schools," these institutions were made to appear to have a character different from that which really belonged to them; but the fact was that they were not schools in the ordinary sense of the term; and the ground of distinction between these and ordinary schools was that they were not places of intellectual training, but of correction and of special industrial training suitable to their class. The inmates of the reformatory schools had committed offences, and it might be fairly assumed that a child convicted of one felony had committed several; and, although children for whom great sympathy would be felt, they were still a criminal class, and should be subjected to a special corrective discipline, under a set of rules different altogether from the ordinary rules of the Education Department for the control of ordinary schools. The children in ordinary schools entered at four or five, and remained until they were 12 or 13; the inmates of reformatory schools, on the contrary, were nearly all above 10, for in 1871, out of 1,575, as many as 1,547 were above 10 and four-fifths above 12 years of age; and 760, or about one-half, were above 14 years of age. The case was not quite so

Mr. Bruce

strong in the industrial schools, where there was a different class of children, both with regard to age and ignorance. Out of 2,784 children admitted last year, 1,969, or two-thirds, were above 10 years of age; and 873, or nearly one-third, were above 12 years of age. It appeared, therefore, that in both classes of schools the children were rather advanced in life, and having been brought up in habits of total disregard for all the decencies of life, they required treatment very different from that which would suffice in the case of ordinary children; and powers of compulsion must be possessed by the superintendents far beyond those possessed by ordinary schoolmasters. The schools, indeed, were juvenile houses of correction, modified, by considerations of humanity and good policy, to meet the case of these unfortunate children, and so brought as nearly as possible to the condition of schools. The children were committed to them by warrant; the Home Secretary could remove them from one place to another by warrant; and he had power to remit any portion of their sentence, on being satisfied such remission would be for the good of the child; and, indeed, that power was often exercised in the case of children who had respectable parents. The Home Secretary, in fact, had the same power of control over these children as over ordinary prisoners. The system, however, was in many respects capable of improvement, and he should be very glad to see the Bill his right hon. Friend had promised; indeed, so strongly was he impressed with the necessity of some improvement, especially with regard to the desirability of distinguishing between the criminal and the merely out-cast classes in industrial schools, that he had been desirous of introducing a Bill upon the subject that year. The right hon. Member for Oxfordshire (Mr. Henley) had not exaggerated the danger, inherent in all these cases, of giving a better training to the criminal classes than was offered to the children of the honest poor; but, in truth, every prisoner sent to gaol was better clothed, fed, and housed than many members of the industrial classes, and a discharged prisoner often had a better chance of finding employment than the honest artisan. That injustice, however, was inseparable from the system, and the question for consideration was, whether the injustice would be re-

moved or diminished if these criminal children were placed under the Education Department. His right hon. Friend (Sir Charles Adderley), however, did not pretend the institutions would be better administered if they were under the Privy Council Office; and it was questionable whether the stigma the right hon. Gentleman desired to remove from them in after life really attached to them. On the contrary, from information received from all parts of the country, he (Mr. Bruce) gathered that there was a positive competition among employers for these children upon their discharge, and that as agricultural labourers, colliers, artisans, and sailors, they had no difficulty in getting employment. There were, however, so many attractions to those schools—and especially the industrial schools—in the fact that the children in them were not only educated and specially trained for the battle of life, but were fed and lodged at the public expense and afterwards started in their careers, that it was essential there should be some distinction drawn between those schools and other schools so as to make them less inviting; and there he thought the right hon. Gentleman the Member for Oxfordshire had hit the nail on the head, as he did in so many other matters. There ought to be some sort of stigma put on those schools, in order that the parent should feel the disgrace of having his child sent there, and that the well-disposed poor man might feel an honest pride in giving his child an education which, if not quite so good, was at least given at his own expense; and if that proper distinction could be maintained without injury to anyone, then he thought that the argument of his right hon. Friend (Sir Charles Adderley), on which he based his Motion, entirely fell to the ground. In conclusion, he could assure his right hon. Friend who had called forth that discussion, that he should be glad to welcome any measure that he might bring forward for improving institutions which had done so much to reduce crime.

MR. J. G. TALBOT said, that as his Bill for giving prison authorities in England and Wales power to originate those schools had been pointedly referred to, he wished to say a few words. They had long desired in Kent to establish the industrial school system; the Home Office had kindly supported him in his

attempt to enlarge the powers given to local authorities, and his Bill had passed through the House at those hours when private Members' Bills only could pass. He thought it was no discredit to himself to have sat up for that purpose as late as he had done, because the Bill was one of a beneficent character; and if it had been as bad a measure as his right hon. Friend (Sir Charles Adderley) said it was, it was the duty of his right hon. Friend to have sat up also and resisted it. The Memorial to the Home Secretary from the manager of the Redhill Reformatory—one of the best known and most successful of those institutions in the country—stated—

“Your Memorialists desire to urge very strongly that the inmates of reformatory schools are very dissimilar to the attendants at an ordinary elementary school—*e.g.*, the boys in this institution are as a rule:—1. Older: in the last three years 260 boys have been admitted, and of this number 138 were over 14 years of age. 2. They are more ignorant: of the above 260 admissions, 99 were totally unable to read, write, or cipher, and of the 138 over 14 years old, 46 (or one-third) did not know the alphabet. 3. They are criminal in character: as a rule no boys are admitted on first conviction, while many have been previously convicted four, five, six times, &c. In the case of ‘children of tender age’ (under 12 years old), who are exceptionally admitted here, it is found that their criminal character is so developed that ordinary school instruction would be altogether insufficient. 4. They are detained by sentence of law, and therefore require strict and expensive discipline, as well as ordinary educational appliances.”

That showed that the inmates were of a class entirely dissimilar from the children with which the Education Department attempted to deal, and that they must be treated as incipient, if not indeed as advanced, criminals, which many of them were. So much for the reformatories. Then, as to the industrial schools, he had a letter from Miss Greenwood, the lady manager of the Industrial School for Girls at Halstead, in Essex, in which she said—

“This school has, through the police, recovered £10 during the last quarter (for ten children) from men who would not otherwise have made any contribution in relief of the Treasury charges. . . . A man came down here a short time since and demanded his children, and my power would have been vain without the Bench order of detention. They would have been taken back to a thoroughly criminal home. What compensation of power would a town without a school board have?”

Therefore, although he thought the right

hon. Baronet had done good service by bringing forward the subject, he was unable to come to the conclusion to which he wished to lead them. On the contrary, he (Mr. J. G. Talbot) thought that was one of the most satisfactory parts of their legislation; and, instead of being afraid that they were making those children too comfortable, they ought rather to encourage the police to bring up more children, that they might be placed in industrial schools. If the House desired to put a stop to juvenile crime they must go to the fountain head—that was, they should visit the worst parts of the large towns, where might be found thousands of children not simply without education, but with an actual training in crime as a profession; and what the Home Office had best do was to exert the power of the law in order to counteract that evil, and make good citizens of these juvenile criminals, whose after offences cost so much to the country.

Question put, and *agreed to*.

Question again proposed, "That Mr. Speaker do now leave the Chair."

BOROUGH REPRESENTATION (IRELAND).—RESOLUTION.

MR. DELAHUNTY, in rising, pursuant to Notice, to move—

"That, inasmuch as the manufacturing, commercial, and trading interests of Ireland are not sufficiently represented in Parliament, and it is not expedient that its borough representation should continue lessened by the disfranchisement of Cashel and Sligo, it is the opinion of this House that Her Majesty's Government should forthwith introduce and promote a Bill to authorize and empower the several towns of the county of Tipperary to elect and return one Member, and the several towns of the county of Sligo, in conjunction with the seaport towns of Ballina and Westport, to elect and return one other Member to the Imperial Parliament,"

said, that in England the principle pursued in giving representation was that large centres of population in the manufacturing districts should be fully represented; but Ireland laboured under great disadvantages, and it was necessary to take some steps to resuscitate the manufacturing industry of that country. It was on that ground that he wished to give some addition to the business representation of Tipperary by returning an additional Member, and giving Sligo, Ballinasloe, and Westport another—

Mr. J. G. Talbot

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at half after Seven o'clock till Monday next.

HOUSE OF LORDS,

Saturday, 11th May, 1872.

MINUTES.]—PUBLIC BILL—*Second Reading—Committee negatived—Third Reading—Consolidated Fund (£6,000,000)*, and passed.*

Their Lordships met;—and having gone through the Business on the Paper, without debate—

House adjourned at a quarter past Twelve o'clock, to Monday next, a quarter before Four o'clock.

HOUSE OF LORDS,

Monday, 13th May, 1872.

MINUTES.]—PUBLIC BILLS—*First Reading—Statute Law Revision* (107); Prisons (Ireland)* (108); Juries Act Amendment (Ireland)* (109).*

Committee—Report—Epping Forest (82-112). Report—Metropolis (Kilburn and Harrow) Roads* (94).*

Third Reading—Party Processions (Ireland) Act Repeal (87); Pacific Islanders Protection* (100); Reformatory and Industrial Schools (No. 2)* (98), and passed.*

Royal Assent—Consolidated Fund (£6,000,000) [35 Vict. c. 11]; Public Parks (Ireland) [35 Vict. c. 6]; County Buildings (Loans) [35 Vict. c. 7]; Deans and Canons Resignation [35 Vict. c. 8]; West Indies (Incumbered Estates) [35 Vict. c. 9]; Marriages (Society of Friends) [35 Vict. c. 10]; Pensions [35 Vict. c. 12].

TREATY OF WASHINGTON.
TRIBUNAL OF ARBITRATION (GENEVA).
THE INDIRECT CLAIMS.
MINISTERIAL STATEMENT.

EARL GRANVILLE: My Lords, it will be in the recollection of your Lordships that this day week I made an appeal to my noble Friend the noble Earl

(Earl Russell) to postpone the Motion which then stood in his name on the Minutes of the House. I did not make that appeal for the third time, as has been generally supposed; I made it for the first time. I think it necessary to say that in justice to my noble Friend, whose previous postponements had been made at no request of mine. At the same time, I gave an assurance to the House that either to-day or before this day I should be prepared to lay Papers on your Lordships' Table, or that, at all events, I would make a statement to your Lordships on the present state and prospects of the negotiations. My Lords, in that statement I wish particularly to avoid all irrelevant matter. I do not mean to touch on the general question of the Washington Treaty, though I may, perhaps, be allowed, after the disparaging language which has been held by some persons with respect to an omission in it, to say that, though I deeply regret and always have regretted that omission, I think it was inevitable. I think the Treaty is a great work, healing with regard to the past, good for the present, and highly advantageous to the interests of both countries in the future. I shall confine myself to a statement of what has passed since the presentation of the Cases in December last; but there is a subject into which I should have been ashamed to go in detail, unless some of my noble Friends had told me it was one of the great causes of that apparent want of confidence in the steadfast course of the Government. That has been manifested to a certain degree in this House. Our Case was presented, and so was the Case of the American Government, in the middle of December. If there was any person guilty of delay in dealing with the American Case it was necessarily myself as connected with the Foreign Office; next, it was the gentlemen charged with drawing up our Case and the duty of answering that of America; and, finally, it was the Cabinet itself. My Lords, I was very ill at the time, and should not have felt it necessary to apologize to your Lordships if, considering that I did not know that this Case was otherwise than a business-like dry document like that presented by ourselves, considering that we had four months to deal with it, and considering I was not aware it was intended by the American Government

to publish it—I say that, under all these circumstances, I should not have apologized for not having read the Case until it had been inquired into and reported upon by the very competent persons to whom I have alluded; which in due course would have had to be done before it was necessary for me to take the responsibility of any decision on the matter. As it happened, my Lords, as soon as I was able I read the Case, and I will not describe the feelings with which I read it. I will only say that they were not a specific for the gout. At the introduction of the Indirect Claims I was greatly surprised. I was also greatly annoyed at the chapter relating to the Motives. It appeared to me to be incongruous and out of harmony with those statesmanlike and conciliatory feelings which I believed actuated, and which now at this moment I firmly believe, actuate the Government and the Commissioners of America in the negotiations and the conclusion of the Treaty. My Lords, I had some private correspondence on the subject, and I cannot help expressing my sense of the obligation to a noble and learned Friend behind me for the letters he has written on the subject. About the same time—on the 9th of January—I thought it right, before troubling the Prime Minister with crude opinions in dealing with this case, to possess myself of the views of the eminent man who had consented to act as our own counsel in the case, and I think it will be more interesting if your Lordships will allow me to read the note which he wrote to me in answer to a query I had addressed to him. His note was in these terms—

“30, Portland Place, W., May 5, 1872.

“Dear Lord Granville—The facts as to time (so far as I have to do with them) are as follows:—

“I saw and read the United States ‘Case’ at the very earliest moment at which it was possible for me to do so, and my impression from the first was that it very materially transgressed the limits of the Reference, both by introducing the Indirect Claims and in other respects, and that, in preparing the Counter Case (which was the duty to which my own mind was naturally, in the first instance, directed), it would be necessary for us to separate what was within the province of the Arbitrators from what was beyond their authority.

“The preparation of the British Case had, as you may suppose, been a work of considerable labour and anxiety, especially to Mr. Bernard, on whom (both in this work and in the preparation of the Counter Case afterwards) the principal

share of labour devolved, according to the arrangements made by the Government."

My Lords, I take the liberty to interrupt the reading of the note to bear my testimony also to Mr. Bernard, that, though other Members of the High Commission possessed legal attainments, he was eminently fitted to be one of the legal Commissioners whom we appointed. I cannot avoid reminding your Lordships how short a time ago it was since the Government were exposed to certain severe criticisms as to the presentation of a Counter Case, even *sub modo*. I believe that most of your Lordships are now of opinion that we did well to present the Counter Case in that conditional manner; and I believe that when you read the Counter Case all your Lordships will be of opinion that it is a document not unworthy of the country from which it proceeds. I cannot help saying that while that Counter Case was prepared by the legal Commissioners at Washington, its preparation was aided by the Secretary to the Commissioners, Lord Tenterden, whom I remember the noble Earl opposite (the Earl of Derby) recommended to me as one of the three best international lawyers in the country. It was minutely revised by Sir Roundell Palmer and corrected by the Cabinet, comprising most of the persons who have been described as inexperienced, ignorant, and inapt in the drafting of the original Treaty. My Lords, I now resume the reading of Sir Roundell Palmer's letter—

"All concerned, however, had taken their share, and, with four months before us for the next step, and the Christmas holidays approaching, we wanted (and we thought ourselves entitled to take) a little breathing-time. We first met to consider the American 'Case' on the 5th or 6th of January (Mr. Bernard had then just lost a very near relative—in fact, his mother), and it was agreed at that meeting that he should prepare the draft Counter Case, and should distinguish, in doing so, between those matters which were within the Reference and those which were not.

"Down to that time I had not communicated with you on the subject, my original impression being that, although it was clear that the American 'Case' contained important deviations from what I understood as the limits of the Treaty, yet it might possibly be sufficient for us to define our own position when we presented the 'Counter Case.'

"A little further consideration made me very doubtful on this point, and very desirous that the Government should be advised by their Law Officers as to the two questions (1), whether the American 'Case' did (as I considered it to do)

exceed the limits of the Reference agreed upon; and (2), if so, what would be the proper course for the Government to take in order to keep the Reference within its proper limits. It was, I think, natural that you, having intrusted us with the conduct of what I may call the 'defence,' should have looked for some assistance or suggestions from us upon any question of importance arising in the 'Case' upon which Her Majesty's Government might have to form a practical judgment; and you did, in fact, do me the honour, on the 9th or 10th of January, to ask for my opinion on this very subject, to which your own attention had been then already directed; and I, on the 10th of January (at the same time that I requested you to use your influence in favour of such arrangements being made as to the time of my attending at Geneva for the oral arguments as might be most consistent with my other duties), entered into a pretty full explanation in writing of my views of the whole matter; and I have reason to know that you afterwards lost no time in obtaining the opinion of the Law Officers of the Crown upon it in the ordinary way.

"I may add that I felt the matter to be one of extreme gravity and importance, and requiring great and careful deliberation as to the proper course of proceeding; but that my own judgment (from the time that it became fully matured on the point) was altogether in favour of the course which the Government actually took.—Believe me ever, my dear Lord Granville, yours faithfully,
"ROUNDSELL PALMER."

My Lords, I may state that when I was in possession of these views, and not until then, I wrote to my noble and learned Friend on the Woolsack and to Mr. Gladstone on the subject. A very few days after—namely, on the 18th of January—at the first meeting of the Cabinet, I brought the subject before them for their deliberation. At that meeting we were of opinion that it was impossible for this country to submit those Indirect Claims to arbitration. We have never swerved from that opinion. We have never done or said anything which could weaken our position with regard to that matter. I am really ashamed to go into this matter; but it was settled at that Cabinet meeting that the Lord Chancellor should be requested to again communicate with the Law Officers. On the 25th my noble and learned Friend, my right hon. Friend the Prime Minister, and myself met Sir Roundell Palmer to consider the best way of preventing illegitimate matter from being brought before the Tribunal at Geneva. On the 30th the matter was virtually settled; and on the 2nd of February a decision was taken, and the terms of the Note which I was to address to General Schenk were settled and approved. My Lords, I can only repeat what I said on the

Earl Granville

first day of the Session—although you may think it presumptuous in me to do so—namely, that if the thing was to be done over again, notwithstanding all the adverse criticism which has been passed upon it, I should deeply regret if we had taken action in the Case earlier than we did. I believe that, both in substance and appearance, nothing was so much to be deprecated as appearing to act under the impulse of temper or pique, instead of after full and very careful deliberation. My Lords, the letter I wrote to General Schenck was very short. It was courteous in terms—courteous towards the American Government—and it also expressed a strong desire to maintain the Treaty. In short, I think it deserved the description which has been somewhat commented on, but from which I do not shrink—that of a “friendly communication.” In it we went back and used almost exactly the same words which we advised Her Majesty to use in Her Speech from the Throne, with regard to our understanding of the scope of the Treaty with reference to these Indirect Claims. As far as I remember, the only difference between them was, that instead of the word “understanding” we used the word “hold.” That Note was courteously acknowledged by General Schenck, and in due course he communicated to me a despatch from Mr. Fish in reply. That despatch objected to the position held by us, and, adhering to the position which the Government of the United States had taken up, it maintained that the Indirect Claims were matter to go before the Arbitrators. In short, the Government of the United States adhered to the position it had at first taken, and gave reasons at no inordinate length for the views they had put forward. My Lords, to that letter Her Majesty’s Government thought it necessary to make a full and comprehensive reply—we thought it only fair that the Government of the United States should be put in possession of the reasons which had induced us to come to the determination at which we had arrived. Accordingly, my despatch was a long one—an excessively long one. I hope it will not tax your Lordships’ patience to read it; but it would be impossible in the compass of a statement like this for me to give you an accurate and detailed account of the arguments we brought for-

ward. I think it will be sufficient for me to say that in that despatch your Lordships will find a fulfilment of the assurance given to Parliament on the first night of the Session. None of your Lordships can doubt that it had always been our intention that the Indirect Claims should be excluded by the terms of the Treaty. We stated in the despatch that not only had such been our intention, but we had some grounds for supposing that the same had been the intention of the United States; and we stated further—that which has been very much doubted—our opinion that when the case came to be argued it would be found that the Treaty absolutely excludes these Claims. My Lords, I think the next step in the proceedings was the presentation of the Counter Case, without prejudice, in the manner to which I have alluded. That Case is included in the Papers already laid before the House. Next came the despatch of Mr. Fish to General Schenck. I have already apprised the House of its character. In it the Government of the United States still adhered to the position they had taken. It gave an answer to a portion—but a portion only—of the arguments we had advanced, but it left the Case exactly where it was. I am not sorry for this correspondence, because, when you read the case on both sides your Lordships will be the better able to come to an accurate conclusion; but it left the Case exactly where it was, and showed an irreconcilable difference of opinion between the two sides, and did not in any degree further the negotiations. My Lords, I will go a little back. I am sure your Lordships do not think it likely that during these two or three anxious months General Schenck and I held aloof from each other, and were not in frequent communication. We were in constant communication, endeavouring to find a solution honourable and satisfactory to both countries. And here I feel bound to bear testimony to the American Minister that, although he always strenuously supported the views of his Government, as he was bound to do, he has throughout these negotiations evinced an earnest and sincere desire to maintain the Treaty, and prevent any disturbance of the most friendly relations between the two countries. My Lords, as regards these communications, they came to

nothing. I made some suggestions to the American Minister; but he seemed to think they were too much of one character, and were not likely to be acceptable to the American Government. He made me a large number of suggestions as to the mode of settling the difficulty. Some of these were obviously of a character perfectly unacceptable to Her Majesty's Government. There were others which, at all events, deserved the careful consideration of the Government: although all on examination failed to meet the exigencies of the case. I am bound to say as to General Schenck, with regard to some of those which were most obviously unacceptable, they generally followed some suggestions which had been made in this country as to the mode of settling these difficulties. For instance, no sooner had it been suggested that we might settle the matter by a trifling payment of £5,000,000 or £6,000,000, or something of that kind, than the very next day General Schenck came to sound me as to whether some arrangement for a small sum might not solve the difficulty. I will now come to the time when, without giving an assurance, I informed your Lordships that Her Majesty's Government had ground for hopes as to a satisfactory settlement of the misunderstanding. The statement to your Lordships arose from a communication made to me I think on the 28th of April—in the first place confidentially, and afterwards officially—by the American Minister. It was a proposal which in several points could not have been accepted by the Government; but it was a proposal which did appear to afford a basis of some satisfactory settlement. The United States proposed that the arrangement could be carried out by an interchange of Notes. Acting on that, we prepared a Note stating our views as to the possible limits within which a settlement could be carried out. That was revised and altered, we wishing nothing but to keep our meaning perfectly clear, while at the same time desiring to propose nothing which the United States might find it difficult to adopt. When we had finally settled that Note—I think it was on the 8th of May—I got a communication from General Schenck in which he informed me that he had received a telegram from Mr. Fish stating that, although the President thought it possibly within his

Earl Granville

constitutional powers to agree to the Note we had sketched out, yet he thought our Note went beyond what, in his individual capacity, he could accept: he thought it preferable to frame an additional Article to the Treaty, which might effect the object we had in view, and which he might submit to the Senate for their sanction. We found some difficulty in acceding to the proposition to frame a Note on the suggestion of others; but we thought that any question of punctilio would have been perfectly ridiculous, and that if we were able to accomplish our object we ought to do so. The difficulty was great, and it took considerable time. We thought it better that we should clearly and at once show that to which we were willing to consent, and the limits of that consent. That draft Article was sent by me to General Schenck, and was by him transmitted to Mr. Fish, with the declaration that if the United States Government were prepared to adopt such an Article, we on our parts were ready to accept it. I was informed yesterday by General Schenck that he had received a telegram from Mr. Fish, stating that he had submitted that Article to the President, and that it was the intention of the President to submit it to the Senate. I understand that at this moment the Senate are in secret executive Session to consider that Article. My Lords, your Lordships will perceive that it is impossible for me to give your Lordships any assurance of the settlement of this affair, because it is impossible for me to speak of what the action of the Senate may be; but what I understand is that, according to all the rules and practices of the American Constitution, the fact of the President having submitted this proposal to the Senate indicates that he is willing, if the Senate will agree, to carry out the Article. Your Lordships will feel that it would be improper for me to give your Lordships further details at a time when this Article is under the consideration—not of a legislative body like the House of Lords or the House of Commons—but of the Senate, which in its peculiar position becomes a part of the Executive Government for this purpose. My Lords, I cannot but think that our hopes are greatly increased of arriving at a settlement which, I believe in my heart, will be satisfactory to your Lord-

ships and the country, and which, moreover, I am of opinion will be honourable to the Government of the United States. If we do succeed, Her Majesty's Government will take no credit for the fact of that success. We have been considerably helped by circumstances in the course of these negotiations. I may mention in the first instance the forbearance of this House and also the forbearance of the other House of Parliament. I may further mention that while public opinion has been singularly firm and united, there has been great moderation both in speeches and in the Press with respect to this case; whereas, had another course been pursued great irritation might have been infused into our relations with the United States. I believe that, with some exceptions, the tone has been admirable in this respect. We owe also much to the manner in which the matter has been discussed in the United States. There was, perhaps, not the same temptation to discuss it in open Session of the two Houses there; but they also have shown great forbearance; and it is impossible to have read the newspapers, to have read the declarations, to have read the remarkable letters which we have all read and know of, without feeling that the United States, if they make concessions on this subject, do it from a feeling of fairness and justice, and are actuated by a strong desire to maintain the most cordial and friendly relations, such as ought to exist between two great kindred nations. If I take no credit to the Government or myself, I must, nevertheless, say that this is the first fruits of the Treaty of Washington. I believe from the time of the close of the Rebellion up to the beginning of these negotiations, if any difference had arisen between the two countries, of which one thought there was a question of great injustice to itself, and the other thought it was a question, even if only as a matter of form, of making any concession—I believe the irritation in this country and more especially in America was such that it would have been impossible to make the progress we have now done towards a settlement, which I think will be satisfactory to this country, honourable to the United States, and of great advantage to the best interests of both countries. I have now only to offer my personal thanks to your Lordships on

VOL. CCXI. [THIRD SERIES.]

both sides of the House for the indulgence you have extended to me, and I am sure you will allow me to make an appeal to you—that so critical a moment as the present is not the one when we should go into a discussion of this case.

No noble Lord rising to address the House—

EARL GRANVILLE again rose and said: I am sure the House would like to know the course my noble Friend (Earl Russell) proposes to adopt if my noble Friend would be kind enough to state it.

THE DUKE OF RICHMOND: Before the noble Earl (Earl Russell) rises, perhaps my noble Friend the Foreign Secretary will state how long it is likely to be before he can lay on the Table or state the exact contents of the Supplemental Article which is now the subject of negotiation?

EARL GRANVILLE: I hope the House will not think there is any reluctance on my part to afford information when I say it is impossible for me to answer the Question of my noble Friend. I have put the House in possession of all the facts; but it is impossible for me to state when an answer to our terms will be received from the United States. The Senate will very likely take two or three days to consider the Supplemental Article, but I am unable to give anything like certain information on the point.

EARL RUSSELL: My Lords, my noble Friend the Secretary of State for Foreign Affairs has sat down without giving the House any information as to the course which he will pursue if those Indirect Claims are not withdrawn, and it is under these circumstances that he has appealed to your Lordships against any discussion of this question. Now, in the first place, let me state that I have no doubt whatever my noble Friend has been perfectly sincere in all his endeavours to make a Treaty with the United States which would be honourable to both countries, and that he never intended that such Claims as those that have been put forward by the American Government should have been included in the Treaty signed at Washington. Now, my Lords, I shall not refer to dates anterior to the Treaty of Washington; but I must refer for a few moments to circumstances which occurred in this House on the 12th of June last year,

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and to what was then stated by a noble and learned Lord opposite (Lord Cairns), who, whether as an advocate or a Judge, has had perhaps as much experience, or greater experience, than any other Member of this House, and who, likewise, is second to none in his capacity for judging of the value of the terms of a treaty. The noble and learned Lord, referring to the allegation that these preposterous Claims could have been made under the Treaty negotiated by the noble Earl (the Earl of Derby) who succeeded me in the Foreign Office, went on to say he had examined the Protocols and had examined the new Treaty, and he perceived that those same Claims might be set up under the Treaty of Washington. That was an important statement coming from such an authority, and I should have thought that it would have produced a great impression. Treaties have been signed by Plenipotentiaries which have often afterwards been rejected by the Governments in whose name they have been made, and I should have supposed that in the case of such a Treaty as this, taking warning from the statement of the noble and learned Lord, my noble Friend (Earl Granville) would have taken further advice after the debate in this House had concluded, and when he still had it in his power to advise Her Majesty to ratify this Treaty or to refuse to ratify it. He might have asked the United States Minister whether he was right in understanding that the Indirect Claims had disappeared, and would not be brought forward under the Treaty? My noble Friend might have waited to have a distinct declaration on that point; and then possibly he might have been told by the Government of the United States—"You are mistaken in your comprehension of the Treaty; these Indirect Claims are by no means surrendered, and we think we are at liberty to set them up whenever, in pursuance of the Treaty, our Case is presented." My noble Friend did not ask any such question, or express any such doubt. On the other hand, the American Government did not set us at ease by declaring either that the Indirect Claims had disappeared or that they had not. Her Majesty's Government did not enter into negotiations for any Supplemental Articles to be inserted in the Treaty. Nothing of that kind was done on either side; and months elapsed before we heard any-

Earl Russell

thing more on the subject. The American Minister having left the House before the speech of my noble Friend was spoken on the 12th of June last, may not have thought it necessary to make any statement in reply to it; but that speech having appeared in print with the correctness which usually characterizes the report of the debates in this House, it is wonderful that the statement of my noble Friend should have received no rectification from the American Government, and that the ratification of the Treaty should have taken place, the whole of the people of England being allowed to continue in the belief that the Indirect Claims had altogether disappeared. It may, indeed, be said with truth, that these Indirect Claims are of a most fantastic character. One of the demands made under this head is that we should be made answerable, and should pay damages to the United States, for the prolongation of the war. There have been many instances of the payment of damages for injury to the commercial marine of a country. General Washington was in correspondence with Lord Grenville under somewhat similar circumstances. General Washington had a notion that a Treaty of Commerce between France and the United States justified the fitting out by those countries of ships to act against the commerce of either belligerents; but Lord Grenville remonstrated, and General Washington, with that fairness and sense of justice for which he was so distinguished, saw he was wrong. Finding that he had misunderstood the meaning of the Treaty of Commerce, and that privateers and armed ships had been fitted out in New York and Boston to act against English commerce, he gave compensation for the injury done. But if it had been said by the Representative of England to the United States—"Under this Treaty you are answerable for the capture of British ships, for the prolongation of the war, and all the expenses of the war from that time must be paid by you"—what would have been the reply? Yet that is the extravagance of the nature of the Claims now put forward by the United States. Another case was that of the injury inflicted on Spanish and Portuguese commerce during another war. In that case it was said—just as I said afterwards—"Produce your evidence, and we will give

you compensation for the injury done." Never, I believe, in the history of nations has there been so preposterous a claim put forward, as was put forward by the American Government in their Case presented at the end of December or the beginning of January. Let it now be added—for I do not think it ought to be disguised any longer—that the first demands of the American Government were couched in the most offensive terms personally towards the Ministry of this country. Lord Palmerston was at the head of that Government; I was its Foreign Secretary; and I say that no swindler or pick-pocket ever had worse terms applied to him than those which were applied to us by the American Government. Could anything be more offensive than the conduct of the American Government in making such charges as they did with respect to a matter in which such men as Lord Palmerston, Sir Roundell Palmer, and Sir Thomas Fremantle were concerned? Now, it appears to me that immediately the Government of the United States put forward these Indirect Claims, my noble Friend ought to have made a direct representation to that Government. I think he should have said plainly and directly that the British Government could not go into arbitration on these Claims, and that it would not send any person to appear before the Arbitrators till the Indirect Claims were withdrawn. It appears to me that position ought to have been taken at the time. After the Government had received the American Case, and had perused it and made up their minds on it—after they found that it was in direct contradiction of all my noble Friend the Secretary for Foreign Affairs had said in this House, and in direct contradiction of all that had been declared in Her Majesty's Speech to the two Houses of Parliament, they should have said at once—"Unless these Indirect Claims are withdrawn we cannot go into arbitration." But, my Lords, are we sure that such language has been held, even up to this day? We do not know. Up to this day the Government have never condescended to inform Parliament as to what has been going on. This business has all been conducted by what is known as "secret diplomacy." My own opinion is that if the ordinary mode of diplomacy had been adopted in this case,

it would not have failed. I believe that if Sir Edward Thornton, who is a most able man, and one who understands perfectly the art of arranging difficulties—I believe that if he had been united with my noble Friend (the Marquess of Ripon), we should have had a Treaty under which these Indirect Claims could not have been made. There is a vast mass of obscure language in this Treaty, and in the Protocols which preceded it. It is said of the *Alabama* that she "escaped;" and no doubt she did "escape," from Liverpool, but she did not receive her armament until after she had escaped. Afterwards there is a reference to another ship which is said to have "escaped" from the Thames. Now, she was a regular merchant ship, and left the Thames with a regular clearance to go to Bombay, and therefore it cannot be properly said that she "escaped." With respect to this vessel, an extraordinary document has been put forth by the American Government, which has much the character of a work of fiction. I find it stated in the American documents that she ought to have been seized and not having been seized, the British Government is responsible, because her owner, Mr. Wright, was father-in-law to a leading partner in a firm engaged in trade with the Southern Confederacy. What is called the "escape" of this ship is alleged as a charge against the Government of this country. Now, ought we to instruct Sir Roundell Palmer to go before a court of justice and institute proceedings for the seizure of a vessel on such a ground as that? We should have to pay damages if we had adopted such a course. That is a specimen of the alleged misconduct of the English Government in allowing these vessels to "escape." I do not, however, wish to go more fully into this question on the present occasion; but I hope my noble Friend will not allow any unreasonable time to elapse before he informs the House whether this Additional Convention or this Additional Article will be added to the Treaty of Washington. And this I can say, my Lords, that unless those Indirect Claims are positively withdrawn—unless they are withdrawn by a formal act and not by a hint or an evasion, in which the American Government seems to delight—unless by a formal act these Claims are entirely set aside, and "disappear

altogether"—to use the phrase employed by my noble Friend last year—unless we are assured that no Representative of Her Majesty shall appear in a room on the table of which those mendacious Claims are lying—I shall certainly renew again and again before the 15th of June the Motion which stands on the Minutes in my name. I believe if my noble Friend had said—"Unless this arrangement is come to, and these Claims are withdrawn, we shall not allow a representative of Her Majesty to appear before the Arbitrators," these Claims would have been withdrawn. The case appears to me to be one between the honour of the Crown of this country and the election of General Grant as President of the United States. For my part, I prefer the honour of Her Majesty—I prefer the honour and reputation of this country—to any prospects of the re-election of General Grant.

THE EARL OF DERBY: My Lords, I do not rise for the purpose of protracting this debate, partly because I understand there is no Motion before the House, and partly because this does not appear a convenient time to discuss either the merits of the Treaty of Washington or the conduct of the negotiations which preceded that Treaty, and which have followed the misunderstanding that has arisen with reference to its provisions. What I gather, and what I think the House has gathered, from the statement of the noble Earl (Earl Granville) to-night is, that the Cabinet have made a proposal which has the concurrence of the American Executive for a modification of the Treaty, and that that proposal is now under the consideration of the Senate. We are, therefore, in this position—we do not know what reception will be given to the proposition. I apprehend that is a matter on which we are altogether unable to speculate. Interference by either House of Parliament pending negotiations is a very delicate and extreme measure to adopt; but even if we desired to interfere we should be too late for any practical purpose that could be answered by taking such a course. Moreover, we have received from the noble Earl—speaking on behalf of the Government—the strongest possible assurance that the New or Indirect or Consequential Claims, from which all these difficulties have arisen, will not in any form be submitted

Earl Russell

to Arbitration. We have also the assurance from Her Majesty's Government that they have never swerved from their opinion on this point. Indeed, the statement of the noble Earl is as clear and explicit as could be fairly asked for. In the absence—the necessary absence—of the Papers on which a judgment can be formed, and considering the very limited knowledge we possess of the nature and character of the proposition itself, I do not think it would serve any public purpose to carry this discussion further at present. Everybody in this country, and, I hope, in America also, wishes this matter to be brought to an amicable settlement; but we have a right to utter one word of warning, and to say—"Let us have no more 'understandings.'" We have a right to ask that this new engagement, which is about or likely to be entered into, and which, as I understand, is to supersede and control the former provisions of the Treaty, should be couched in perfectly clear, precise, and unmistakable terms; because if this is not done we shall be exposed to have over again all the trouble and misunderstanding which have caused us so much anxiety.

THE WHITSUNTIDE RECESS.

ADJOURNMENT OF THE HOUSE.

EARL GRANVILLE said, he had communicated with the noble Earl near him (Earl Russell) and with the noble Earl opposite (the Earl of Derby) in reference to the Adjournment of the House, and they agreed with him that it was not desirable to vary the Notice he had already given; and therefore, in accordance with that Notice, he moved the Adjournment of the House to Friday, the 31st instant.

EARL RUSSELL expressed his concurrence in the statement made by the noble Earl, and said, that in giving Notice of his Amendment for the Adjournment of the House to the 24th instant, he did not mean to press it if it should appear that there was no necessity for doing so.

STATUTE LAW REVISION BILL [H.L.]

A Bill for further promoting the Revision of the Statute Law by repealing certain enactments which have ceased to be in force or have become unnecessary.—Was *presented* by The Lord CHANCELLOR; read 1st. (No. 107.)

PRISONS (IRELAND) BILL [H.L.]

A Bill to make further and better provision for the custody of Prisoners, and to amend the law relating to Prisons in Ireland—Was *presented* by The Marquess of LANSDOWNE; read 1st. (No. 108.)

JURIES ACT AMENDMENT (IRELAND)
BILL [H.L.]

A Bill to amend the Juries Act (Ireland), 1871—Was *presented* by The Lord O'HAGAN; read 1st. (No. 109.)

House adjourned at half past Six o'clock,
to Friday the 31st instant,
at a quarter before
Five o'clock.

HOUSE OF COMMONS,

Monday, 13th May, 1872.

MINUTES.]—SELECT COMMITTEE—*Second Report*
—Public Accounts [No. 198].

PUBLIC BILLS—*Resolution* [May 9] *reported*—
Ordered—Colonial Governors [Pensions]*.

Ordered—First Reading—Public Health (Scotland) Supplemental* [162]; Local Government Supplemental (No. 2) and Act (No. 2, 1864) Amendment* [163]; Limited Owners Residence Law Amendment* [165]; Clerks of the Peace and Justices Clerks' Salaries and Fees* [164]; Elementary Education Act (1870) Amendment* [168]; Union Officers (Ireland) Superannuation* [166]; Charitable Loan Societies (Ireland)* [167].

Second Reading—Thames Embankment (Land)* [82]; Juries* [114]; Parish Constables Abolition* [97]; Tramways Provisional Orders Confirmation (No. 4)* [155]; Pier and Harbour Orders Confirmation (No. 2)* [158]; Cattle Disease (Ireland) Acts Amendment* [159].

Committee—Court of Chancery (Funds) (*re-comm.*) [43]—R.F.

Committee—*Report*—Charitable Trustees Incorporation (*re-comm.*)* [120].

Considered as amended—Parliamentary and Municipal Elections [139-160]; Infant Life Protection* [146-161].

Considered as amended—Third Reading—Metropolitan Commons Supplemental* [143], and *passed*.

Third Reading—Irish Church Act Amendment* [87], and *passed*.

POOR LAW (SCOTLAND)—INSPECTORS.

QUESTION.

MR. M'LAREN inquired, Whether the Lord Advocate's attention has been called to the fact that, the local Poor Law authorities in Stromness having unanimously appointed a woman to be In-

spector of the Poor for that parish, the Board of Supervision in Edinburgh cancelled the appointment, although the woman had performed all the duties to the entire satisfaction of the parish for several years previously, in place of her father, who nominally held the office, but from the state of his health could not perform the duties; and, to inquire whether there is any Law disqualifying a woman from being appointed to the office of Poor Law Inspector in such a parish as Stromness?

THE LORD ADVOCATE said, that he was not in possession of the requisite information, but had sent for it; and, if his hon. Friend would repeat the Question on a future day, he hoped he would be able to answer it.

IMPORTATION OF SHEEP AND CATTLE
—ORDER IN COUNCIL, 1871.

QUESTION.

MR. J. B. SMITH (for Mr. JACOB BRIGHT) asked the Vice President of the Council, Whether in consequence of the agricultural Returns, which show a great decrease in sheep and cattle, and the high price of meat resulting therefrom, he will reconsider the Order in Council, of December 20th, 1871, with the view of allowing imported sheep to pass to the inland towns when free from disease; and, whether Prussia might not, in regard to horned cattle, be put in the same position as Spain, Holland, Norway, and Sweden?

MR. W. E. FORSTER said, that the instructions issued under the Order in question provided for the slaughter at the port of landing of all sheep in case any of the cargo had the foot and mouth disease; and the Government did not feel that they could depart from that Order. A very important deputation, however, which had waited upon him from the Northern towns, had complained of the effect of that Order, stating that it caused a large number of sheep to be slaughtered. He might, in answer to that, observe that the total number of sheep imported had not been diminished by the regulation, for the total import of sheep into great Britain for the first quarter of the year from the Continent was about 123,000, as against 64,000 for the first quarter of last year. It was certainly true that there had been a smaller import into the Northern towns

in proportion, than there had been into London; but the reason of that was, that there had been much more disease amongst the sheep which came into the North, for only 6 per cent of the ships which came into London had diseased animals on board, whereas in the case of Hull and several other of the Northern towns, the per-centage was not far from 50. That was owing, he believed, to greater care being taken in London with regard to having ships free from infection, and also with regard to the selection of the animals. It was also stated by the deputation, that the inspection was more severe and stringent in the North than in London, but that, he believed, was not the case, for he had ascertained that the regulations were precisely the same in London and the North. It had further been stated that several sheep had been slaughtered which had not the foot and mouth disease, but were merely footsore. From inquiries that had been made, however, he was satisfied that that statement was without foundation. The Government had been strongly urged to allow sheep to go under proper regulations from the port of landing to inland towns. He thought the regulations for that purpose would be exceedingly difficult; but the Government were prepared to try the experiment whether that import could or could not be permitted. In doing so, however, it would not be surprising if the restrictions placed upon it were onerous; to be safe, they could not be otherwise. But the local authorities of large inland towns would be informed that if they liked to make application for a license for sheep to be taken under those conditions to inland towns, it would be granted. With regard to the second Question put to him, it was impossible for the Government safely to do what was suggested, having the present facts regarding the cattle plague before them.

BROADMOOR ASYLUM—MAINTENANCE OF CRIMINAL LUNATICS.

QUESTION.

MR. WHITE asked the Secretary of State for the Home Department, Why, or on what grounds, he has consented to relieve the Wells Union from the cost of maintenance, at Broadmoor Asylum, of William Bisgrove, sentenced to death for murder, and after such sentence cer-

Mr. W. E. Forster

tified to be insane, when he has refused to relieve the ratepayers of Brighton from the burthen of the maintenance at the Broadmoor Asylum of Christiana Edmunds, alike sentenced to death for murder, and who also as in the case of Bisgrove, was subsequently certified to be insane?

MR. BRUCE said, in reply, that the practice was for the Treasury to bear the costs of the maintenance of lunatics under sentence of penal servitude, but not of other persons becoming lunatics. William Bisgrove was, and Christiana Edmunds had never been, under such sentence. Moreover, Christiana Edmunds had relations who were able to pay for her support. The Home Office was not able to compel them to do so—the parochial authorities were able, and he thought they ought to see to it.

INLAND REVENUE—INCOME TAX ON SHOOTINGS.—QUESTION.

MR. MUNTZ asked Mr. Chancellor of the Exchequer, If any one paying an annual sum for the shooting over another person's property would have a right to deduct Income Tax from such payment?

THE CHANCELLOR OF THE EXCHEQUER: Sir, the rule is, that a person who lets an annual shooting should return the profits he makes on it under Schedule D, and the person who hires the shooting from him has no right to deduct income tax from the payment he made for it.

TREATY OF WASHINGTON—DOMINION OF CANADA.—QUESTION.

MR. BAILLIE COCHRANE asked the Under Secretary of State for the Colonies, If he can explain why the Despatch from Lord Lisgar, which enclosed the Report of the Committee of the Privy Council of the Dominion, expressing the general dissatisfaction which the publication of the Treaty of Washington had produced in Canada, which was received at the Colonial Office on the 30th August, was not answered until the 23rd of November; and, whether between those dates, a period of nearly three months, no communications passed between Her Majesty's Government and the Government of the Dominion?

MR. KNATCHBULL-HUGESSEN: Sir, the Despatch in question was one in answer to Lord Kimberley's Despatch of the 17th June enclosing copies of the Treaty. As nothing could be done until the meeting of the Dominion Parliament in April, it was thought advisable to give time for further consideration of the subject in Canada, and therefore no immediate rejoinder was sent. With regard to the second Question, I would state that as we were anxious not to delay producing the Correspondence, we ascertained by telegraph what Papers the Canadian Government had presented to their Parliament, and we then presented the same Papers, which contain all the essential documents. There are three or four Despatches of minor importance, two of which passed between the dates mentioned by my hon. Friend, and which we have no objection to produce, and also some Correspondence with Prince Edward's Island and Newfoundland.

METROPOLITAN POLICE—STRIKE OF SEAMEN AT SOUTHAMPTON.
QUESTION.

MR. HARVEY LEWIS asked the Secretary of State for the Home Department, Whether it was proposed to charge the pay and expenses of the one hundred men of the Metropolitan Police Force recently sent to Southampton to preserve order during a strike of Seamen at that Port, to the metropolitan rate-payers; and, if not, out of what fund are such pay and expenses to be discharged?

MR. BRUCE, in reply, said, that no part of the expenses of sending the metropolitan police to Southampton would be borne by the metropolitan rate-payers. Before they were sent, it was ascertained that they might be spared without inconvenience from the metropolis for a short time, and an assurance was obtained that the whole of the expense would be defrayed by the borough of Southampton.

EAST AFRICAN SLAVE TRADE.
QUESTION.

MR. GILPIN asked the Under Secretary of State for Foreign Affairs, If the Government have taken any, and what steps, towards carrying out the recom-

mendations of the Committee of last Session on the East African Slave Trade?

VISCOUNT ENFIELD: Sir, in pursuance of the recommendations of the Committee of last Session on the East African Slave Trade, the Governments of Germany, France, America, and Portugal have been invited to co-operate with Her Majesty's Government in the suppression of the slave traffic; and both the United States and France have expressed their willingness to assist in the work. The German Government expresses sympathy with this object, and has referred the matter to the Hamburg Senate for a Report, as the merchants of that place are chiefly interested in the Zanzibar trade. From Portugal no answer has yet been received.

TREATY OF WASHINGTON.
TRIBUNAL OF ARBITRATION (GENEVA).
THE INDIRECT CLAIMS.
MINISTERIAL STATEMENT.

MR. GLADSTONE: Sir, I have foreborne to place upon the Notice Paper for this evening any Notice of my intention to make at half-past 4 o'clock the usual Motion with regard to the Adjournment of the House over the Whitsuntide holidays from fear that, had I done so, it might have been thought the Government were disposed to exercise pressure upon the House with regard to the course which it may think fit to take after it has heard the explanation I am about to make with reference to the Treaty of Washington. For the same reason I shall forbear to make any Motion for the Adjournment in offering that statement to the House, because it is a matter which we shall leave entirely in the hands of the House itself and of individual Members. I shall, therefore, simply appeal to the indulgence of hon. Members to allow me to make a statement in respect of a subject of great and general interest. I may also say that Her Majesty's Government have arrived at a conclusion—the reasons for which I am about to lay before the House—that the time has not yet come for laying Papers in reference to this subject upon the Tables of the two Houses of Parliament. In what I have to say I shall not enter into any controversial or defensive matters. The House has with remarkable and, as we think, most wise—but, certainly, with very signal—for-

bearance, refrained from discussing a variety of matters with regard to the Treaty of Washington which are admitted to be of general interest, which are collateral to the issue under discussion with the United States, and which may form, either now or at some future time, the subject of detail, and, possibly, of hostile comment. But that forbearance which has been practised on both sides of the House—by the right hon. Gentleman opposite and his Friends, and likewise by those who sit behind me—has relieved the Government from any difficulty which they might have felt had they appeared on the present occasion as parties accused; and, therefore, I hold it to be no part of my duty under these circumstances to perplex the House or load the brief statement which I have to make with reference to matters of that class. I therefore will give a very brief narrative to the House, commencing from the time when Her Majesty's Government, assembled in Cabinet on the 18th of January, took this question into their consideration. I will not refer to the preliminary communications which had passed between my noble Friend the Secretary of State for Foreign Affairs and the Legal Advisers of the Crown, and afterwards between him and myself, as well as my noble and learned Friend the Lord Chancellor; but I will begin, as I before observed, from the 18th of January, on which day the whole subject raised by the American Case, and by those parts of it which referred to the Indirect Claims in particular, came under the consideration of the Cabinet. On that day we arrived at the conclusion that those Indirect Claims were not within the scope of the Arbitration to which we had agreed, and therefore we felt that it would not be possible for us to be parties to their submission to the Arbitrators at Geneva. On the 3rd of February, as is known to the House, we addressed a friendly communication to the Government of the United States, in which it was stated that according to the holding of Her Majesty's Government those Claims were not included within the limits of the reference, and the purport of that communication—the essential part of it—was made known to Parliament in the Speech from the Throne at the commencement of the Session. These declarations and these

Mr. Gladstone

opinions formed within the Cabinet have been the basis of the whole of our subsequent proceedings. We have not found it necessary, in a formal manner, to go beyond them, and at no time up to the moment at which I speak have we in the slightest degree receded or departed from them. Now, subsequently to the despatch of the 3rd of February, the House is aware that several communications relating to the general argument had passed between the two Governments, and I will not scruple to state, for the information of the House, the general purport of those communications, and especially as I can undertake to do this in a very few words. The despatch of the 3rd of February did little more than communicate the opinions and the convictions entertained by the British Government, and the despatch of the American Government in reply, which I think was addressed to us on a late day in February, and which was received by us about the 12th or the 14th of March, in like manner did not enter into the argument at large, but it signified the dissent of the President of the United States from the conclusions of the British Government as to the legitimacy of the topic of the Indirect Claims as a portion of the American Claims to be submitted to the Arbitrators at Geneva. In that despatch the President observed that he was in ignorance of the grounds and reasons upon which the opinion of the British Government had been founded, and we, interpreting that expression on the part of the President as a friendly invitation to us to give an explanation of those reasons, considered the despatch which was addressed by Lord Granville on the 20th of March to General Schenck, in which we went into them at length. The heads of our argument were these—We contended that the reference of the Indirect Claims to the Arbitrators at Geneva was not within the Treaty of Washington as it stood; we contended that, separately from the terms of that Treaty, as it was not within its terms so neither had it been within the intention of the parties that those claims should be referred; and, apart from these two contentions, we endeavoured to show that as it was not within the terms of the Treaty nor within the intention of the parties that they should be so referred, so likewise there were considerations, drawn from the reason of the

Case considered more at large, which fortified the same conclusion and supported us in the general doctrine that these Indirect Claims formed no part of the subject-matter which we had agreed to refer. Besides these branches of the argument, of which I have given a very rude and small outline, there was a portion of the despatch, or rather a memorandum annexed to it, in which we thought it wise to indicate that these Claims, if they could be entertained at all in principle—and it was the question of principle on which we had really joined issue—were likewise of an amount warranting, and more than warranting, the largest statement that had been made with respect to them, although some of those statements appear to have caused astonishment on the other side of the water. Of course, we did not allow it to be supposed that our objection was based upon a question of amount, although we referred to that point, and gave some evidence from American sources of authority which supported the opinions which we gave utterance to in regard to it. That was on the 20th of March. On the 16th of April Mr. Fish sent an answer in the nature of an argumentative reply to the despatch. With some portions of the argument advanced by us he dealt in detail; with respect to others he was content to state only that, according to the view of the Government of the United States, the whole subject was a fit and proper one to be argued before the Arbitrators at Geneva. The tone of this answer, I am bound to say, was friendly throughout; but on the receipt of it we felt it to be our duty to communicate to Parliament—and we did communicate to Parliament—that, as far as its terms were concerned, it had not afforded to us any opening which would advance a friendly and honourable settlement of this great question. But before the answer was in the hands of the British Government, a new opening had been found. A communication had been made by the Minister of the United States to Lord Granville, which was to the effect that, in the opinion of his Government, there was a method of settlement which, if it were proposed by the Government of Her Majesty, it might be open to the Government of the United States to consider and to accept, and which, in the view of the United States' Government,

would be perfectly honourable and satisfactory to both countries. This suggestion of the Minister of the United States contemplated a proceeding not by any new international engagement in the nature of a Treaty, but by correspondence between the two Governments, or by what is commonly called an exchange of Notes. Upon this information we immediately entered on a consideration of the detailed proceedings which might be adopted, and, as was to be expected in the development of those details, various points emerged and came more fully into view as the matter matured which, although there never was a departure on the part of either party from the general basis sketched out by the Minister of the United States, yet, on the whole, tended to give to the contemplated proceeding more of a substantive character than had been in the view of the American Government when it was originally projected and suggested on their part. That being so, upon the 8th of May—that is to say, upon Wednesday last, we learnt, on the direct authority of the American Government, that, in order to meet the views which had been stated on our part, it would be necessary, as they exceeded the powers of the President, that a reference should be made to the Senate, and that that power also should be called in aid, with a view to a satisfactory and complete settlement of the case. This was upon the 8th instant, and the House will recollect that I am now upon a series of communications which have been conducted entirely by telegraph; and that valuable and all important as that instrument is for certain purposes, all who have been concerned in difficult matters of business are very well aware that the conveyance of explanations, of motives, of those shadings of thought and impression which are very often vital to the true comprehension of the matter at issue becomes extremely difficult when that mode of communication is adopted. We were not made precisely aware on the 8th of May of the grounds on which this reference to the Senate would be requisite. The explanations, however, of which we were in possession by the evening of the 9th made it perfectly clear to us; and, as I have stated, it was a project as it had been sketched by the British Government on the basis suggested by General Schenck which

rendered the reference necessary. It was at a late hour on Thursday evening—indeed, I believe the withdrawal of Members of the Cabinet from this bench after midnight was noticed by hon. Members of the House—that we proceeded to contemplate the question on that precise point. On the next day—that is to say, on Friday last, acting on the suggestion of the Government of the United States, that they were perfectly willing to deal with the question in this aspect, as a matter requiring the assistance of the Senate, we placed our views in the shape of that which might become an Article, and might be the subject of an International contract between the two countries. This draft, together with a covering letter, was forwarded on Friday evening by my noble Friend the Secretary of State for Foreign Affairs to the American Minister, and though it was a document, with the covering letter, of some length, it was immediately telegraphed by him to the Government of the United States. It was taken into consideration by that Government on Saturday, and yesterday morning the Minister of the United States was in a condition to inform my noble Friend that that proposition of the British Government, framed as I have stated, was entertained by the President of the United States, and would be submitted by him to the Senate for its approval. Now, let it be understood that, while I have stated the exact and literal truth upon this matter, I am anxious not to overstate anything. The communication between the President and Senate of the United States is a strictly confidential communication. It is entertained by the Senate not in its legislative, but in its executive, capacity, and it is entertained by it not as a public body, but almost, if I may so say, as a portion of the Cabinet of the President *pro hac vice*, and in what is termed in America a secret Session. Consequently, although in possession of the Senate, the proposition in its terms is at this time a strictly confidential communication. This much, however, we are justified in stating—that the course taken by the President in making known this draft to the Senate distinctly implies his approval, conditional only on the concurrence and approval of the Senate. I may also state that we have no reason to complain of the slightest disposition to delay on the

Mr. Gladstone

part of the Government of the United States, for this proposal, which was received through the telegraph in America on Saturday, is at this moment that I am now speaking under the consideration of the Senate. Of course, it is not for us to say at what time that consideration will terminate; but we are told that probably in two or three days a decision will be arrived at by the Senate on its general character and import. The Senate, I need hardly remind the House, is the perfectly free deliberative organ of a perfectly free as well as great country. I cannot forestall its judgment. It must be for the House, taking into view the action of the President and the whole facts of the case as furnished by the description I have given, to consider what are the present circumstances and aspects of the negotiation. I hope the House will not think me unreasonable in observing that we have not the same opportunity of communicating confidentially with the Houses of Parliament as the President has with the Senate; and I hope also that I shall not go beyond the bounds of due respect when I express the opinion, not on my own part merely, but on the part of the Government as a whole, that we trust nothing will be said or done to interfere with the perfectly free and dispassionate consideration by the Senate of this great matter, now advanced, as we trust, so near to its maturity. I have said we shall not move the Adjournment of the House for the Recess in any manner which might appear to show a disposition to press our opinion unduly upon the House; but we wish, notwithstanding, to make an appeal to the perfectly free judgment of the House. We feel, and feel deeply, that in these matters it is not only the Executive Governments on both sides of the water that are concerned, but that it is only by concurrent prudence and circumspection on the part of all the great Powers that act for and influence the destinies of free peoples that delicate and difficult negotiations of this kind can be conducted to a happy issue. I will say nothing for ourselves, for I could say nothing beyond that which all men know of every British Government—that under all circumstances they will do their best; but I will venture to say this—that the House of Commons, by its remarkable prudence and self-restraint, has powerfully contributed to a favourable result;

and that if that favourable result shall happily be attained, it will in no small degree be due to the wisdom, circumspection, and self-restraint of the body which I have the honour to address. Let me say, also, that we shall not do justice to the case if we do not express the strong sense we entertain of the friendly feeling which has prompted the conduct of the Government of the United States, and which in a degree certainly not less remarkable has actuated that great and free-speaking people. Had this House thought fit, by the exhibition of menaces and threats, by premature declarations of what we would do and would not do in contingencies which had not arrived, to arouse the patriotism and public spirit of that great country beyond the Atlantic into a temper of exasperation, I certainly do not think we should have reached the point at which we now happily stand; and I feel confident that the House which has so long, under circumstances so difficult, and now for a period of very nearly four months, exercised that self-command, will at the moment when already it appears to reap its reward persist in that line of conduct even to the end. I trust, therefore, there will be an opinion that while the free judgment of the House upon the whole proceedings of the Government from first to last must be reserved, and may at any fit time be freely expressed, the position of the question at the present moment, when it is no longer in the hands of those who are responsible to you—when their definite proposal, by which in spirit and in letter they are bound, has passed across the ocean, and is now before the tribunal on which, as far as America is concerned, it depends authoritatively to decide—the position of the question is such that it would not be by the debates of Parliament, if I may presume to say so, that Members of Parliament should desire to exercise an opinion upon their deliberations. I think that, feeling towards the United States the respect which we should desire them to feel towards us, we should be ambitious of signaling in every way our anxiety that not even a semblance of interference by those expressions should pass from among us to appear in any or the slightest degree to derogate from the positive, absolute, and perfect political and moral liberty with which the authorities of America will now arrive, I trust, at a very early conclusion. I take leave

again to tender on the part of the Government the expression of our thanks to Parliament for this remarkable forbearance, together with the assurance that we do not misunderstand it—that we do not take it as a compliment, or as implying in the slightest degree anything more than an enlightened regard to the great public interests which are involved in the present issue. For this is, after all, a very great issue, for it is an issue upon a matter which in itself is of very great importance between two of the most powerful and free and energetic nations upon the face of the earth; and great in itself as between them, it is greater yet, because it involves the interests of every other country, and therefore that extraordinary liveliness and movement of mind which we cannot but have witnessed in the Press of the Continent with respect to this diplomatic controversy is easily accounted for when we bear in mind that they know as well as we do that, *mutatis mutandis*, any other two Powers in the world may at any time stand in the position which England and America now occupy with respect to the principles at issue. But this importance is greatest of all with respect to its bearing on the subject of arbitration, and upon the future interests of the world, for England and America undertook a great responsibility in the face of all other nations, when they attempted to apply, after some recent discouragements, this principle of amicable settlement to a great controversy between two high-spirited nations; and if these two nations succeed in giving effect to what undoubtedly is the desire sincerely entertained, and cordially entertained alike on the one side and on the other, something, I think, will be achieved for the benefit of the cause of peace. If, on the other hand, they should fail, however the case may stand as between the parties, they conjointly will suffer great discredit in the face of all civilized nations; and their failure in this great case of peaceful settlement will be nothing less in our judgment than a misfortune to mankind. It is, therefore, that we earnestly hope that that admirable control of feeling and temper, by which such free scope and such ample advantage have thus far been left to the Government as the trustees of the public interest in their endeavours to bring about a satisfactory settlement of this matter,

may still be continued. I have stated in brief terms, but in terms which I hope were not devoid of meaning, the basis on which the proceedings were commenced in the months of January and February last. From that basis we have not departed; from that basis—practicable, as we trust, for the views of the two Governments to be placed in substantial harmony and conciliation—and with that prospect before them, we trust we may make the suggestion to the House—which, undoubtedly for our own sakes, we should have no title whatever to prefer—that they will be contented to wait, for the short time that yet remains, the result, which can hardly be otherwise than decisive; and which I hope it is not too sanguine a temper on my part if I venture to say that there is every probability that we may be enabled to recognize as honourable and satisfactory.

MR. DISRAELI: Sir, in the critical state of affairs as regards our relations with the United States of America, and which now has subsisted for five months, I think there have been two duties for Parliament to fulfil. The first was to give fair play to the Government, constituted of whatever party or materials, placed in such a situation—and I may say, without at all binding ourselves to any approbation of the course they have pursued, or as to our ultimate decision, that we have given them that constitutional support which they had a right, I think, in their difficult position to look forward to. Our second part has been at the same time, consistently with that line, to assert the policy with respect to the matters in question on which I believe the great majority of the people of this country are decided. I have, Sir, myself been influenced by these two feelings, and I believe I may say that I represent accurately the feelings of hon. Gentlemen generally on this side of the House. Whatever may be our opinions as to the general policy of the Government in this matter, when once the great embarrassment had occurred we resolved to give them the utmost indulgence so far as the forms of the House and the general conduct of party proceedings are concerned; and at the same time we wished to assert the policy which we think, generally speaking, they ought to have followed. I collect to-night, from the statement of the right hon. Gentleman that he and his Colleagues have

prepared a distinct proposition, which has been made to the Government of the United States—that that proposition has been accepted by the President of the United States; and that in order that it may be ultimately adopted as the solution of these difficulties, it is at this moment submitted to the Senate of the United States. That is what I collect generally from the statement of the right hon. Gentleman. That being the case, I cannot for a moment hesitate to express my own opinion—and so far as my opinion can influence others I wish to express it most distinctly—that we are in duty bound to continue that forbearance which we have already shown. It is quite clear from the statement of the right hon. Gentleman that it is utterly impossible for us to give any opinion, under the circumstances in which we now find ourselves, as to the course which Her Majesty's Government have pursued. It is quite clear from the statement of the right hon. Gentleman that there have been perhaps even voluminous despatches, and everyone must feel that our opinion as to the policy of the Government must depend upon the precise language contained in the propositions which they have made to the Government of the United States. Everyone, therefore, must feel that it is totally out of our power, without we were in possession of the precise contents of those authentic documents, to offer an opinion at this moment. At the same time, I must express my hope that these Papers will be placed upon the Table of the House without any unnecessary delay, for when we are in possession of these documents, we shall be able to form an opinion as to the course of Her Majesty's Government. I trust, however, that, whatever difference of opinion as to that course may prevail, only one result will accrue from these labours of Her Majesty's Government and from this forbearance of Parliament—I trust we shall find a settlement of the question which will be satisfactory, not only to the interests of both countries, but which will in every respect satisfy the honour of England. I must again hope there will be no unnecessary delay in the production of these Papers, for until we are in possession of them, we can form no opinion as to the course of Her Majesty's Government; but until then I am clear, under the circumstances de-

Mr. Gladstone

tailed by the right hon. Gentleman, that the conduct of Parliament should be—as it has been for a considerable period, one of complete forbearance.

MR. GLADSTONE: Sir, the desire of the Government will be to lay the Papers on the Table at the earliest possible moment. ["The Adjournment!"] I think it would be irregular to propose the Motion for the Adjournment now; but I will propose it, when it comes on in its turn.

PARLIAMENTARY AND MUNICIPAL
ELECTIONS BILL—[BILL 139.]

(*Mr. William Edward Forster, Mr. Secretary
Bruce, The Marquess of Hartington.*)

CONSIDERATION.

Further Proceeding on Consideration of Bill, as amended, *resumed.*

MR. ASSHETON CROSS, in proposing to amend the Amendment to the First Schedule, proposed by the right hon. Gentleman who had charge of the Bill, by leaving out the words "and certificate," said, his object was to relieve magistrates of the duty sought to be imposed upon them—namely, that of giving to a voter who declared himself unable to read a certificate to that effect. He therefore begged to move to leave out in page 23, line 14, Rule 26 of the First Schedule, the words "and certificate."

Amendment proposed to the Amendment, which was proposed to be made in page 23, line 14, by inserting after the word "Act," the words "or of any voter who produces such a declaration and certificate as hereinafter mentioned that he is unable to read,"—(*Mr. William Edward Forster*,)—namely, to leave out the words "and certificate."—(*Mr. Cross*.)

MR. VERNON HARCOURT said, that he could not see the necessity of requiring the voter to go before the magistrate at all, for quite sufficient security would, in his opinion, be provided by a declaration before the presiding officer, the same penalties being attached to a false declaration as if it were made before a magistrate. They could determine whether a man could read by making him read, but they could not make a man read who said he was un-

able; and from what he had heard of Irish witnesses, he did not see that it would be very easy to make an Irishman acknowledge that he could read, if he was determined to declare that he could not. Why was it necessary, moreover, to oblige a man to make two declarations, one before a magistrate and the other at the poll? At present it was hard enough to get electors to go before the revising barrister. Many would lose their votes sooner than do so, and the House might be sure that men would not be readily got to go before a magistrate to make this declaration, because there was an atmosphere of summary conviction about him. They would never get a man to go before a magistrate unless the agent took him there. But in addition to those objections, the voter whom they wanted to protect from influence would first of all have to go with the agent to a magistrate, and then to declare to the Returning Officer, in the hearing of the agent, how he was going to vote, and that was not a good machinery either for getting rid of influence or securing secrecy.

MR. WHARTON said, he could give a very good idea of the considerable additional duty that would be imposed upon magistrates by means of the question at issue, for he was a few years ago Secretary to the Great Yarmouth Commission, and he had to take receipts from every one examined before it. There were 700 witnesses examined, of whom 300 had to make their marks. Now, if between the nomination day and the day of polling the magistrates were to be engaged in giving certificates in such a borough as Great Yarmouth, it would be utterly impossible that the work could be got through.

MR. M'CARTHY DOWNING said, the course proposed by the right hon. Gentleman (*Mr. W. E. Forster*) would be a very dangerous one in Ireland, because there every agent of a large proprietor was a magistrate. He did not mean to state that anything improper would be done by a magistrate; but where party feeling ran so high, all the voters on the proprietors estate might be taken to a justice of the peace, and for one that could read 40 would declare they could not. That declaration would be made before the agent, the men would then be taken to the presiding officer, and how they would vote could be easily

ascertained. He hoped, therefore, the right hon. Gentleman would not persist in his proposal. The right hon. Gentleman's proposal, moreover, would not touch the question of those voters who wished for a little assistance in order to record their votes.

MR. J. LOWTHER said, he would remind the House that when last year he brought forward a proposal for the introduction of a system of voting papers, the right hon. Gentleman (Mr. W. E. Forster) said that they would not have magistrates enough to execute the duties that would be thrown on them. That argument was conclusive against the right hon. Gentleman's own scheme now. The machinery of the proposal of the right hon. Gentleman was so cumbersome that he believed voters would grope about in the dark rather than avail themselves of it. It was, in point of fact, a proposal which would take away with the left hand what was given with the right. The voter would be taken to the polling-booth, and having committed some trumpery inaccuracy in voting, in consequence of the involved nature of the process through which he had to go, would be met at the door of the booth by the right hon. Gentleman's favourite conveyance—the prison van, and taken away to undergo a term of imprisonment. The right hon. Gentleman generally treated his suggestions with suspicion, but still he would offer him another, which if adopted would help him out of his difficulty. It was that in boroughs the polling-places should be the gaol, and that, on the receipt of the writ, every registered elector should be committed to solitary confinement until the return of the writ to the Crown Office.

MR. RYLANDS said, he wished to point out to the hon. and learned Member for Durham (Mr. Wharton) that the presiding officer and the Returning Officer would not, as he seemed to suppose, be one and the same person. Under the Amendment of the right hon. Gentleman (Mr. W. E. Forster) it was proposed to make voting as easy in future as it was now, when a man in a state of drunkenness was taken to the poll as a free and independent elector. He (Mr. Rylands), however, looked upon the Ballot as a preventive against such voters recording their votes; and if they wanted by the Bill to be able to coach

such men up to the poll, he would be no party to it.

LORD JOHN MANNERS said, the hon. Gentleman's (Mr. Rylands') argument appeared to be based on the assumption that if an English voter was not able to read, he was ignorant and vicious, but he (Lord John Manners) objected to that assumption. The objection to the proposal of the right hon Gentleman was not with the view of disfranchisement, but that the machinery would be found in practice to be so difficult and so complicated that in reality the voter would not be able to record his vote. He hoped, therefore, the House would assent to the Amendment of the hon. and learned Member for South-west Lancashire.

MR. SYNAN said, he must object to the word "certificate" being left out of the Amendment. The magistrates could not obtain information as to the inability of the voter to read, except by means of a declaration; and therefore he ought to have full power to receive and act upon such declarations. He hoped the right hon. Gentleman would not accept the Amendment.

LORD HENLEY said, there was a grave objection to taking these voters before magistrates. During the cattle plague the same sort of provision existed, and it was found impossible in many districts for two justices to sign the certificates within a given time. He knew a parish that contained a large number of illiterate inhabitants, and he felt convinced that it would be impossible to take the voters first before a magistrate and then to the poll in time for them to record their votes. Not only that, but a magistrate would probably be ignorant of the voters residing out of his own parish, and the certificate, therefore, to be of any value, should be signed by some one residing in the parish where the voter lived—either the clergyman or the churchwarden, and not by a magistrate who would probably reside at a distance.

MR. COLLINS said, the Government proposition would be found to be impracticable without adopting a double conveyance—one to the magistrate and the other to the poll, and on different days, for they would have to make special arrangements for "ticketing the dunces." They would be also obliged to have a separate canvass to ascertain

Mr. M'Carthy Downing

the number likely to require certificates. The hon. Member for Warrington (Mr. Rylands) evidently desired to disfranchise what the right hon. Gentleman the Member for Birmingham once called "the residuum," but the experience of Yarmouth showed that it was not always the most ignorant who were the most corrupt. He would suggest that the most competent persons to give the required certificate would be the certificated schoolmasters. It would not be open to such objection as going before a magistrate, and a man did not like to have thrown in his teeth the statement that he had been before a magistrate, so as to imply a slur that he had been in trouble.

MR. HUNT said, he should like to know from the right hon. Gentleman, what reason he had for supposing that a man who could read would say that he could not?

MR. W. E. FORSTER said, he hoped hon. Members would excuse his not answering all the observations that had been addressed to the House in the course of the debate that afternoon, and must decline further to treat of them, except to say there was no desire to disfranchise in any part of the House. The Government, in their original proposition, had provided for the case of the illiterate voter; but there was a difference of opinion on that matter; and as it was not a vital point, they had conceded to the wish of many hon. Gentlemen. The question of examination by the magistrate into ability to read was not one on which it was worth while to take a division, though he still thought the proposal of the Government the better plan.

MR. R. TORRENS said, he hoped the Government would adhere to their Amendment, for there had been already too much yielding on important points of the Bill. In South Australia, where universal suffrage existed, a great number of illiterate persons came to the poll to vote; but in that country there was no such provision as that to be provided by this Bill for voters to record their votes, and in practice it had been found to be totally unnecessary. Almost every man who could not read letters was able to read figures up to "nine," and by that means in Australia a man was able to mark the name of the candidate for whom he wished to vote. If necessary

colours might be used; and if a man who could not read perfectly was so stupid as not to be able to distinguish colours, it would be no great detriment to him or to the community if he were disfranchised. The presiding officer too, in many instances, was not the man to be entrusted with the power of marking voting papers, for it would give him an opportunity, in many instances, of turning the election. With regard to the proposed Amendments of the Government, he thought it would be impossible to take the number of declarations that would have to be made in the progress of an election.

MR. CAVENDISH BENTINCK said, that in each of the four colonies of Australia, according to the Reports of the Governors, provision was made for illiterate voters. The hon. Member for Warrington (Mr. Rylands), and those who acted with him, evidently wanted to disfranchise as many voters as they could. Why was it the Christians were to be obliged to make all those declarations, and the Jews were relieved from the obligation? How was the Jewish voter to be identified? Surely the order of things had been changed, and the Christian must now say that "Sufferance is the badge of all our tribe." He hoped his hon. and learned Friend would persevere with his Amendment.

MR. GREGORY said, he would suggest that the word "certificate" be left out altogether.

MR. ASSHETON CROSS said, he was willing to accept the proposal of the right hon. Gentleman, if it was clearly understood that it would not preclude their raising the question at a future stage.

DR. BALL said, a certificate would be of use only for the information of the Returning Officer, in case the declaration were made before a magistrate, for if the declaration were made before the Returning Officer the certificate would be useless. But if the Returning Officer's time were to be taken up by receiving these declarations, how was he to discharge his ordinary duties?

MR. EASTWICK said, he thought a very short way might perhaps be found, by which to avoid all the loss of time and inconvenience likely to arise from these certificates and declarations. Why not have a distinct polling-booth, which might be called the "illiterate booth?"

Mr. W. E. FORSTER said, he did not think he could persist in putting upon the magistrate the duty of satisfying himself by examination that the voter was unable to read. It seemed, however, to be necessary that the magistrate, or whoever it was before whom the declaration might be taken, should give a certificate that the declaration had been made. But to retain the words of the Amendment "and certificate" would in effect imply that the magistrate had satisfied himself that the voter was unable to read, and he was therefore prepared to allow the exclusion of the words on the understanding that when he came to his next Amendment he should move the insertion of the words to show that a certified declaration had been made by the voter, in the presence of the person to whom it was given.

MR. DENISON said, he was unable to accept the decision of the right hon. Gentleman, for he maintained that no certificate was necessary, since the declaration before the presiding officer would be sufficient.

Question, "That the words 'and certificate' stand part of the said proposed Amendment," put, and *negatived*.

MR. J. LOWTHER said, he had given Notice of words which he believed would meet a wish very generally expressed by the House—namely, that all voters, Jew or Gentile, should be placed on an equal footing. If the opinion, however, should be in favour of the proposal of his hon. and learned Friend the Member for Oxford (Mr. Harcourt), he would not press his Amendment. He only wished it to be distinctly understood that the words he proposed were a protest against any other authority than that of the presiding officer being brought into requisition. He moved that the words "or who states to the presiding officer" be inserted.

Amendment proposed to the said proposed Amendment, in page 23, line 14, after the word "mentioned," to insert the words "or who states to the presiding officer."—(Mr. James Lowther.)

Question proposed, "That those words be there inserted."

MR. VERNON HARCOURT said, he hoped the words would not be pressed. If they were, he should vote against

Mr. Eastwick

them. He thought there ought to be a recorded statement which might be marked, and that would take no more time than the verification of a declaration made before a magistrate.

Mr. W. E. FORSTER said, he thought it was the opinion of the House that there ought to be an actual declaration. If so, it was also of very great importance that the whole of these declarations should be filed. The presiding officer, therefore, would in every case enclose them to the Returning Officer, who would forward them to the Clerk of the Crown.

MR. HUNT observed that the Amendment would not only place Jew and Gentile on a par, but it would place the Jew on a par with himself; for if a Jew who could not read voted on Saturday, he might vote without a declaration, whereas, if he voted on the Monday he must make a declaration.

MR. HENLEY said, he was of opinion there should be no declaration except before the presiding officer. There was nothing more uncertain in description than a person's being able to read; but the presiding officer could at once test the fact by asking the voter whether he could read the paper he held in his hand.

Amendment to the said proposed Amendment *withdrawn*.

Original Question, "That the words 'or of any voter who produces such a declaration as hereinafter mentioned that he is unable to read' be inserted after the word 'Act,' in page 23, line 14," put, and *agreed to*.

MR. ASSHETON said, he thought the clause in its present shape would put in jeopardy two of the main conditions of a satisfactory election—that every elector when he voted should be certain that his vote was given to the proper candidate, and that the conduct of the Returning Officer should be above suspicion. As long as votes were given by blind and illiterate people, great distrust would be felt of the conduct of the presiding officer, especially when the majority at an election was not large; and he proposed to cure this defect in the Bill by proposing that the declaration of the voter should be made in the presence of the agents of the candidates, and not in a hole-and-corner way to the presiding officer. He therefore moved

to insert in page 23, line 14, after "shall," the words "in the presence of the agents of the candidates."

Amendment proposed, in page 23, line 14, after the word "shall," to insert the words "in the presence of the agents of the candidates."—(*Mr. Assheton.*)

Question proposed, "That those words be there inserted."

MR. JAMES said, he felt compelled to support the Amendment. He had protested—in a manner, he had been told, not wanting in earnestness—against the provision permitting the presiding officer to assist illiterate voters; but, now that the provision had been introduced, he desired to see the best arrangements made for carrying it out. Practically, he submitted, it was absolutely necessary to adopt the Amendment. It would, in fact, be unavoidable that the voter should receive the required assistance in the presence of the agents of the candidates, for there would be no separate place where he could get it, and he could not be compelled to speak in a whisper. If the agents were to become aware in that way what candidate the voter favoured, they might also, very properly, be allowed to see that the presiding officer carried out the voter's wishes. Moreover, if there was no check, a serious amount of power would be placed in the hands of the presiding officer. He looked upon the proposed Amendment as an antidote in some measure to the provision against which he had protested.

MR. J. S. HARDY said, that if the House divided he would vote in favour of the Amendment.

MR. SYNAN said, he thought it would be a check upon a dishonest presiding officer if the declaration were made in the presence of the agents and the presiding officer.

MR. DENISON said, that at present they did not trust the presiding officer to record votes without the presence of the agents, and therefore the Amendment would make no change in that respect.

MR. LEATHAM said, he hoped his right hon. Friend would not accept the Amendment, because he believed it would be fatal to the Bill.

MR. HUNT said, he thought that a very important part of the Bill. He did not think that the Returning Officer

could retire with the voter; for who was to look after the ballot box and the security of the ballot papers, for which the Returning Officer was responsible? In order to enable illiterate men to vote, he had suggested a resort to colour, and in that way what was felt to be a difficulty could, he thought, be got rid of. But that was rejected; and he, therefore, agreed that it was necessary, if the Government proposal was persisted in, that it should be amended in the form suggested by his hon. Friend the Member for Clitheroe.

MR. WYKEHAM - MARTIN said, that when the Returning Officers and the voters retired together bribery would be as easy as now. And so would coercion. What so easy as to say to a man—"You can't read. Go and vote in the presence of the agents." The whole affair of the voting would then become known. All difficulty in this direction would have been obviated by the adoption of a mechanical contrivance which he had without success recommended to the Committee last year.

MR. VERNON HARCOURT said, the Bill was one to promote secret voting. The House, however, had been told by the hon. Member for Limerick (Mr. Synan) that 20 per cent of the voters in Ireland would vote under the declaration that they could not read, and in the presence of the agents; but, if so, the Bill might as well be given up. He should not vote for the Amendment, as he believed it would be far better to employ colours as aids in this matter, and would reserve his vote for that question, which he saw was to come on later.

MR. W. E. FORSTER said, there could be no doubt whatever as to the difficulty embraced in the question under discussion. He, however, believed that the proportion of illiterate voters had been greatly exaggerated, and was quickly diminishing. He might remind the House that in every colony but one where the Ballot was in use provision was made for the case of the illiterate voter. He was not much afraid that the presiding officer would misuse his power; but, on the other hand, he could see that it was advisable not to leave him without any check. It was a choice of evils; but the balance was probably in favour of placing a check upon the presiding officer. After a great deal of thought, therefore, he believed it would be better

to accept the Amendment of the hon. Gentleman the Member for Clitheroe.

Question put.

The House divided:—Ayes 160; Noes 59: Majority 101.

Amendment made.

MR. ASSHETON proposed, in line 15, to leave out the word "secretly," for a vote given in the presence of the presiding officer and two other persons could not be said to be given "secretly."

Amendment agreed to.

MR. W. E. FORSTER moved the insertion of words, the object of which was first to secure a list of all voters whose votes were marked in pursuance of this rule, and the reason why they were so marked. Then came the question of the declaration; and his amended Amendment would provide that the declaration of inability to read should be made by the voter before a justice of the peace, who should attest it in a form hereinafter mentioned, which would include a statement by the magistrate that the declaration was made in his presence.

Amendment proposed,

In page 23, line 16, to leave out from the words "Provided further," to the words "returning officer," in line 23, both inclusive, in order to insert the words "and the name and number on the register of voters of every voter whose vote is marked in pursuance of this rule, and the reason why it is so marked, shall be entered on a list, in this Act called 'the list of votes marked by the presiding officer.'"

The said declaration, in this Act referred to as 'the declaration of inability to read,' shall be made by the voter after the expiration of the time during which candidates can be nominated, before a justice of the peace, who shall attest it in the form hereinafter mentioned, and no fee or other payment shall be charged in respect of such declaration or certificate, and the said declaration shall be given to the presiding officer at the time of voting."—(Mr. William Edward Forster.)

Question proposed, "That the words proposed to be left out stand part of the Schedule."

MR. VERNON HARCOURT said, the Amendment raised the question whether the declaration should be made before the magistrate or presiding officer? It had been already agreed that the presiding officer should mark the vote; and if he was to be trusted to do that, was he not a fit man to receive the declaration? The Amendment of which he had given Notice, and which he now

Mr. W. E. Forster

moved, would enable the presiding officer to take the declaration of the illiterate voter at the polling station.

Question put, and *negatived*.

Question proposed, "That the words

'And the name and number on the register of voters of every voter whose vote is marked in pursuance of this rule, and the reason why it is so marked, shall be entered on a list, in this Act called 'the list of votes marked by the presiding officer.'

The said declaration, in this Act referred to as 'the declaration of inability to read,' shall be made by the voter after the expiration of the time during which candidates can be nominated, before a justice of the peace, who shall attest it in the form hereinafter mentioned, and no fee or other payment shall be charged in respect of such declaration or certificate, and the said declaration shall be given to the presiding officer at the time of voting.'

be there inserted."

Amendment proposed to the said proposed Amendment,

After the word "voter," in line 6 of the said proposed Amendment, to insert the words "shall be made at the polling station before the presiding officer in the manner hereinafter provided."—(Mr. Vernon Harcourt.)

Question proposed, "That those words be there inserted."

MR. R. TORRENS said, he hoped that the Government would not accept the Amendment of the hon. and learned Member for Oxford (Mr. Harcourt), as the intervention of a magistrate in taking the declaration of the illiterate voter would be a safeguard against corrupt practices on the part of the presiding officer.

MR. SYNAN said, he objected to the Amendment, on the ground that the illiterate voter would rather make the declaration of his ignorance before a magistrate than before the presiding officer; and also because the magistrate would be less likely than the presiding officer to receive such a declaration on insufficient grounds. He also thought the illiterate voter was much more likely to be known to the magistrate of his locality than to the presiding officer; and, moreover, it would greatly delay the polling if the latter had not only to take the votes, but also to receive those declarations.

MR. MONK said, he thought that it was of very little importance what became of the Amendment, or what became of the Bill; whether it passed that House, or whether it ever returned from

the other one. He had always been a warm supporter of the Ballot, but the Government had now given up the whole principle of secret voting, and nothing that remained in the Bill was worth contesting about.

MR. RYLANDS trusted that the Government would not accede to the Amendment of the hon. and learned Member (Mr. Harcourt).

MR. W. E. FORSTER said, he thought the balance of argument was decidedly in favour of the proposition as he had first made it. They ought to guard against the danger, which he thought was exaggerated, but which without doubt existed—that the voter who was most likely to be bribed and intimidated would be brought up under cover of being unable to read, and made to vote under pressure. The declaration before a magistrate was likely to be a more effectual check upon that than a mere statement made in the polling-booth. Therefore, if the hon. Member (Mr. Harcourt) pushed his Amendment to a division, he should be compelled to vote against it. With regard to the fears of the hon. Member for Gloucester (Mr. Monk), he believed they were exaggerated; and if the evils which he dreaded were found really to arise, something would probably soon be done to correct them.

MR. CHARLEY said, he was afraid the result of the clause, whether they adopted one kind of cumbrous machinery or another, would be that the illiterate voter would be disfranchised.

DR. BALL said, he thought the House was under a delusion—and more especially with regard to Ireland—as to the amount of exertion the illiterate voter would make, if they thought he would search for a magistrate before the day of election to enable himself to vote. It would also be very difficult in Ireland to get a magistrate to remain in the booth all day during the polling. Then, again, the penalty on making a false declaration would be the same, whether it was made before the magistrate or before the presiding officer. The illiterate voters would not only complain of the additional labour that would be imposed upon them by requiring them to make a declaration before a magistrate, but they would also expect that the candidates would pay their travelling expenses, an item of election expenditure

which in the case of some Irish constituencies had amounted to upwards of £1,000. He thought that the presiding officer might well be trusted to receive the declaration himself.

MR. LEATHAM said, he was glad that a point had been found beyond which the right hon. Gentleman who had charge of the Bill would not go. It was important that the mode of making this declaration should be as little onerous as possible. Had his proposal to have coloured voting papers been adopted, all the difficulties that were now started would have been swept away.

MR. HERMON said, he must also urge upon the Government the necessity of permitting the presiding officer to take these declarations, on the ground of the difficulty that would be experienced in finding a magistrate before whom they could be made.

MR. M'LAREN said, he had supported the Government until they had betrayed themselves, and now he thought that the Bill had been so greatly impaired during its passage through that House that many friends of the Ballot were scarcely anxious that it should receive the Royal Assent. The various duties which the measure would impose upon the Returning Officer were very heavy, he having to make out lists of the blind, of those who could not read, and of the Jews, whose consciences would not permit them to vote on Saturdays, besides having to stamp every ballot paper with a secret stamp, and to keep everything generally in order. He was satisfied that the only remedy for the difficulties that had been suggested was that the Government should retrace their steps, and adopt the proposition for having coloured printing on the voting papers.

MR. GORDON said, the Government would find it difficult to retrace their steps on this question; and that being so, the next thing was, how best to carry into effect what had been passed? His own experience had shown him how difficult it was to settle such a question. The Government seemed to have accepted a conclusion, and they must abide by that conclusion. He, however, thought that the presiding officer, who would be a respectable person, might well be trusted to deal with the illiterate voter, without the intervention of a magistrate.

MR. M'MAHON trusted that the Government would resist the Amendment.

Question put.

The House *divided*:—Ayes 43; Noes 112: Majority 69.

Amendments made to the said proposed Amendment.

Question, "That the words

'And the name and number on the register of voters of every voter whose vote is marked in pursuance of this rule, and the reason why it is so marked, shall be entered on a list, in this Act called 'the list of votes marked by the presiding officer.'

'The said declaration, in this Act referred to as 'the declaration of inability to read,' shall be made by the voter after the expiration of the time during which candidates can be nominated, before a justice of the peace, who shall attest it in the form hereinafter mentioned, and no fee, stamp, or other payment shall be charged in respect of such declaration, and the said declaration shall be given to the presiding officer at the time of voting.'

be there inserted," put, and *agreed to*.

MR. MAGUIRE said, he wished to ask, whether it was now competent for him to move the rejection of the Rule just adopted? If it was not, he should endeavour at a future stage to get rid of it, for it was one of the most mischievous parts of the Bill. Every hon. Member must be convinced that the House had got into inextricable confusion in this matter. Secrecy had been done away with. ["Order!"]

MR. SPEAKER said, he must remind the hon. Gentleman that he could not on a point of Order enter into a general discussion of the Bill.

MR. MAGUIRE wished to know whether he could move the rejection of the Rule?

MR. SPEAKER in reply, said, that the House was now considering the First Schedule of the Bill, of which this Rule formed part. Had the hon. Gentleman wished to propose the omission of the Schedule, he should have given Notice thereof before the Schedule was entered into; and so, also, had he wished the Rule omitted, he should have intimated his desire before it was entered upon. It was now too late for him to move the omission of the Rule; but he could, if he thought proper, propose the re-committal of the Bill at the third reading for that purpose.

MR. MAGUIRE said, in that case, he intended to move the re-committal of the

Bill for the purpose of having this Rule struck out.

MR. HUNT moved, in Rule 43, page 26, line 40, to insert after "law," the words—

"And the returning officer shall deliver the writ with such certificate endorsed to the postmaster of the principal post office of the place of election, or his deputy, and shall take a receipt from the postmaster or his deputy for the same; and such postmaster or his deputy shall forward the same by the first post, under cover, to the Clerk of the Crown, with the words 'Election Writ and Return' endorsed thereon."

He said the Amendment was proposed to enable the writ to go back, if it should be thought desirable, in the same way as it had come, and was desirable for purposes of economy.

Amendment agreed to.

SIR COLMAN O'LOGHLEN moved, in page 29, after Rule 61, to insert the following Rule:—

"A presiding officer at a polling station in a county in Ireland need not be a freeholder of the county."

He said, that by the law as it stood at present with regard to county elections in Ireland, every presiding officer must have a freehold of £50 a-year in the county. It was impossible, however, to get a sufficient number of persons so qualified to act, as the remuneration was only two guineas, and the result was that persons not duly qualified were frequently appointed as deputy Returning Officers. It was better to get rid of the qualification.

Amendment agreed to.

MR. W. E. FORSTER, in moving, in page 36, line 1, to omit the words "as to," and insert "guidance of the voter," said, that by inserting these words at the head of the Schedule it would be shown that the words which followed were intended as directions to the voter, and not as positive enactments. When it was proposed that the voter should make a cross simply, an objection was taken to it; and he stated that if there was any danger that the vote would be lost on that account he would introduce on the Report the words "or other mark." He had been informed, however, that there would be some danger if those words were introduced, and he thought that if the words which he now moved were inserted it would be clear that this was a directing and not an enacting Schedule.

MR. GOLDNEY said, as he understood, the intention of the right hon. Gentleman in making this proposal was that any mark made by the voter—and not a cross simply—should be taken as sufficient indication how he wished to vote, and should be accepted by the Returning Officer. But if such were the case, why not say so in plain words? Since the Amendment was put on the Paper he had taken the trouble to inquire how persons voted at charitable institutions, and he found that while in some cases it was by a tick, in others by a line, it was never by a cross.

MR. BERESFORD HOPE said, that a man might denote his initials in a flourish, and that it would be unfair to make that a punishable offence.

Amendment agreed to.

Amendment proposed, in page 35, line 24, after the word "characters," to insert the words "in different colours, to be determined by the returning officer."
—(Mr. Charley.)

Question proposed, "That those words be there inserted."

Amendment, by leave, *withdrawn*.

House resumed.

Bill to be read the third time upon Thursday 30th May, and to be printed.
[Bill 160.]

COURT OF CHANCERY (FUNDS) (*re-committed*) BILL—[BILL 43.]—COMMITTEE.
(Mr. Baxter, Mr. Solicitor General, Mr. William Henry Gladstone.)

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(Mr. Baxter.)

SIR RICHARD BAGGALLAY, in moving that the Order for going into Committee upon the Bill be discharged, and that it be referred to a Select Committee, said, his right hon. Friend the Member for North Northamptonshire (Mr. Hunt) had moved for Copies of Correspondence which had passed between Sir William Dunbar and the Lords of the Treasury in reference to this subject. That Correspondence pointed out the numerous difficulties in the way of carrying out the Bill in its present form, and required the most careful consideration. He hoped, therefore, the hon. Gentleman in charge of the Bill would not press it forward before hon.

Members had had an opportunity of considering that important Correspondence. In moving, as he was about to do, that the Bill be referred to a Select Committee, his object was not to throw any obstacles in its way so as to prevent its passing, but simply to secure the introduction of provisions which would give full protection to the suitors in the Court of Chancery. The Bill dealt with funds amounting to between £60,000,000 and £70,000,000, which had heretofore been taken charge of by an officer of the Court of Chancery, who only owed allegiance to that Court; but it was now proposed to hand over the management of these enormous funds to an officer of the Treasury, and it would be idle to ignore the fact that the design of the Bill was to allow the Treasury to deal with and make a profit out of them. On the 1st of October last year the funds of the Court of Chancery amounted to upwards of £62,000,000, all being invested in Three per Cent Consols and other securities with the exception of £3,000,000, which was in the form of cash, although of the latter sum about £2,500,000 was invested in securities as far as the Court of Chancery was concerned; and in the year ending October 30, 1871, the amount of the funds paid into the Court was close upon £20,000,000, and the amount transferred from the Court was about £18,000,000. These figures would show the magnitude of the interests which it was proposed to deal with. Again, on referring to the Schedule of the Bill he found it was proposed to repeal six or seven Acts of Parliament wholly, and 10 partially. One of the latter was a statute passed in the 36th year of the reign of George III., which contained a very valuable clause, providing that executors or persons having legacies to pay might, when the recipients were persons under age or beyond seas, pay the amount of such legacies into the Court of Chancery, to the credit of the Accountant General, whereupon the money was invested in Three per Cent Consols, and accumulated for the benefit of the legatees. The Bill would repeal so much of that clause as related to the investment of the money. It was true that a clause in the Bill provided for the making of rules for regulating the investment of the funds, and there was a provision under which the Court of

Chancery could make an Order for their investment; but under the Act which was to be repealed the Order of the Court was not necessary, and the investment was made immediately on the certificate of the Accountant General, that the money had been paid to his credit. This change in the mode of dealing with the funds might prove very detrimental to the legatees. He gave that as illustrative of the Acts which it had been thought desirable to repeal, and of the necessity for careful consideration of those Acts, and of the consequences of their repeal. It was also proposed that the provisions of the Bill should come into operation soon, and simultaneously, but that would be found impracticable; and it was necessary to consider what clauses should come into operation early, and what should take effect at a later period. Sir William Dunbar, in reply to a letter from the Lords of the Treasury, had mentioned many points in which the scheme of the Bill would fail to work efficiently. The matter was one to which it could not be expected that hon. Members generally had given that amount of attention which would enable them to discuss it in Committee of the Whole House, and he should therefore move that the Bill be referred to a Select Committee.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "The Bill be committed to a Select Committee," — (Sir Richard Baggallay,) — instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

THE SOLICITOR GENERAL earnestly hoped the hon. and learned Member would not press his Amendment to have the Bill referred to a Select Committee, a course only adopted in special cases, whereas there was nothing special, difficult, or intricate about this Bill to render it necessary to send it upstairs. Originally there were on the Paper two pages of Notices of Amendments to be moved in Committee; but those who gave them had been conferred with, and the result was that the number of Amendments had been reduced to two, the others having been either accepted by the Government and embodied in the Bill as amended, or withdrawn on

Sir Richard Baggallay

the receipt of satisfactory explanations from the Government. The two Amendments that were left might very well be disposed of in Committee. Committees appointed by the Law Societies sent in a long list of objections to the original Bill, but the objections of the committees had been met or removed; and the partial repeal of Acts had received careful consideration, both on the part of the Government and of the Law Societies. With regard to the time proposed for inaugurating the change, it was decided that the Long Vacation was the proper time for doing so, and the only question was, whether it should operate from October in this year or October next year. Attention had also been given to the framing of rules, and, although they were not finally settled, they were in a forward state. The supposed difficulty about the Controller General and the audit was provided for by an Amendment, and the other difficulties brought forward would, he believed, disappear if the House were allowed to go into Committee.

MR. SINCLAIR AYTOUN said, he never heard such unsatisfactory reasons for a Bill as those that were adduced by the hon. Gentleman the Secretary to the Treasury when he moved the second reading of this Bill. He said, indeed, that the reasons for introducing it had been stated last year in the Budget by the Chancellor of the Exchequer; and on reference to *Hansard* it would be found that the Chancellor of the Exchequer's arguments were, that considerable inconvenience was occasioned to suitors having money in this fund, by reason of the holidays lasting two months, and that the proposed measure might be made a means of reducing the National Debt. It appeared to him (Mr. Aytoun), however, that the alleged inconvenience could have been remedied without altering the mode in which the fund was managed; and it was absurd to suppose that the Bill was promoted with any intention to confer a benefit on the suitor, the real object being to place a large fund at the disposal of the Chancellor of the Exchequer to carry out the system of Terminable Annuities, to which he confessed he in common with some other hon. Members was entirely opposed. The Secretary to the Treasury had stated on a former occasion, that although this measure might be made a

powerful lever for the reduction of the National Debt, the conversion of Stock into Terminable Annuities could not be carried out till another Act was passed; but he (Mr. Aytoun) believed, that was not the case, for by the operation of 29 *Vict.*, c. 5, s. 4, it would be in the power of the Government at once to create Terminable Annuities. The hon. and learned Gentleman the Solicitor General had stated that under that Act not more than £5,000,000 of Stock could be converted into Terminable Annuities. But on reference to the finance accounts of the year 1870-71, at page 55, he found under date the 31st of March, that a sum of £7,000,000 had been converted. How the Solicitor General could have arrived at the conclusion that only £5,000,000 of Stock could be converted, when £7,000,000 had been converted, he was at a loss to understand. The Solicitor General had informed the House that he had given up two-thirds of his private practice in order to enable him the better to perform the duties of his office; but if they were to judge by the statement he had made upon this subject, the public had not gained much by the generous abandonment of the hon. and learned Gentleman's private practice. He repeated he (Mr. Aytoun) was strongly opposed to the system of reducing the Debt by creating Terminable Annuities, for it only introduced confusion and mystification into the public accounts. He thought the control of that part of finance should be retained in the hands of Parliament, who should determine how much out of the surplus of each year should be disposed of in the reduction of Debt; and in order to show the mystification which prevailed on this subject he might remind the House that the Chancellor of the Exchequer had spoken of the large amount of the National Debt he had reduced; but when asked whether that amount of Debt had been really paid off, the right hon. Gentleman admitted that it was merely turned into Terminable Annuities. The public, therefore, were under a complete misapprehension on the matter when informed that so much Debt had been paid off. Being opposed to that system of mystification, he should support the Motion that the Bill should be referred to a Select Committee.

Mr. HUNT said, he would state a further, and he thought a sufficient,

reason to those that had been already adduced why the Government should consent to refer the Bill to a Select Committee. It was this—it was proposed to abolish the office of Accountant General of the Court of Chancery, and the gentleman now holding that office was to retire on his full pay. It might, however, be necessary to appoint another officer to discharge partly the same duties as were now discharged by the Accountant General, for he held in his hand a letter of the Controller General, that had not yet been delivered to hon. Members; in which he found that Sir William Dunbar distinctly stated that the appointment of a Second Assistant Controller of Audit would be required. The answer of the Treasury was not yet in type—it was only in manuscript. The Treasury stated that they could not assent to that view. Which was right or which was wrong on that point, he (Mr. Hunt) was unable to say; but it was not a matter which could be settled in that House, and might well be inquired into by a Select Committee. On that ground he was in favour of the Motion for referring the Bill to a Select Committee; and the Bill would be in no worse position if that course were adopted, as its principle had already been agreed to.

Mr. BAXTER said, he thought the reason just given for referring the Bill to a Select Committee eminently unsatisfactory. He was not of opinion that a Select Committee would be in a better position than that House to determine whether or not any officer occupying a high position such as the Accountant General would be required. His own impression was that no officer of the kind would be needed, and the Treasury authorities were unanimously of that opinion. The right hon. Gentleman (Mr. Hunt) said that the Bill would be in no worse position by being referred to a Select Committee; but it must be borne in mind that they were now in the middle of May, and that most important Business would have to be discussed on the re-assembling of the House after the holidays; and, therefore, it was desirable that the present measure, which was one of the most valuable Bills ever presented to the House, should now be considered. In reply to the observations of the hon. Member for the Kirkcaldy Burghs, he had to state that the Government could not deal with these funds in

the way mentioned without the sanction of an Act of Parliament.

MR. GREGORY said, it was incumbent on the House to discharge its responsibility in that important matter, and not to shift it on the shoulders of a Department of the State. It was a question essentially for the House to settle; and they could not do that until they had had a fair opportunity of discussing the Treasury Minute on the subject.

MR. CRAWFORD said, he should be sorry to delay a measure of that nature, after its principle had been approved by a large majority; but he conceived that sufficient reasons had been stated for referring the Bill to a Select Committee. Very large liabilities were imposed by the Bill on the Consolidated Fund, which was made liable, under certain contingencies, for any deficiencies which might arise in working out the Bill; and he did not like seeing the whole of those large liabilities cast on the Consolidated Fund without a more full examination given to the matter than could possibly be instituted in that House, for there were various matters of great intricacy and detail which a Committee composed of Gentlemen thoroughly experienced, could alone satisfactorily work out. The Bill proposed that the Accountant General should be allowed to retire with a pension. Mr. Russell had been Accountant General for 33 or 34 years, and was well entitled, he understood, to the retiring pension provided by the Bill; but no provision was made for the broker on account of the loss of his office. Previous to 1854 the broker of the Court of Chancery charged 2*s.* 6*d.* per cent upon all purchases and sales, out of which 1*s.* 6*d.* went to the Accountant General; but when the office of Accountant General was regulated in that year the broker retained 1*s.* out of the 2*s.* 6*d.*, and paid the remaining 1*s.* 6*d.* to the Suitors' Fee Fund. In 1863 that gentleman died, and his nephew, Mr. Mortimer, was appointed his successor, an arrangement being then made that he should pay over the whole amount of brokerage to the Fund, and should receive a salary of £2,000 a-year. A sum not far short of half that salary went to clerks whom it was necessary to engage to carry out the special duties connected with the purchase and sale of Stock. Since 1868, when the charges of the Court of Chancery were placed on the

Votes of Parliament, he had paid the brokerage to the Paymaster General, the average amount during the last few years having been about £10,000 a-year. Last year it was £11,000, leaving a profit to the State of £9,000, which he presumed went to the miscellaneous Revenue of the country. Therefore, as a salaried officer of the Court, Mr. Mortimer by all precedent was entitled to compensation on the abolition of his office. His claim was certainly as strong as that of the Proctors practising in the Ecclesiastical Courts, who were awarded compensation; and he hoped it would be considered by the Government. There were other objections to which he wished to refer; but he would deal with them when the Bill got into Committee. For instance, he observed in the Bill no provision for securing the "effects" of the suitors, which included some valuable property now in the custody of the Bank of England; but he presumed it was intended to provide for their security. If the hon. Gentleman who had moved that the Bill be referred to a Select Committee pressed his Motion to a division he would vote with him.

MR. HINDE PALMER said, he knew of instances in which suitors, on making inquiries, had been astonished to find that their property in Chancery had not been invested at interest. The Bill would provide a remedy for that state of things, and in other respects would act beneficially. He hoped and trusted, therefore, that the Amendment would not be pressed, for it would involve delay, and the Bill appeared carefully drawn, the 18th clause giving the Lord Chancellor power, with the concurrence of the Treasury, to draw up the most complete rules, which would be laid before Parliament for sanction or modification. The measure would give suitors 2 per cent for the money deposited, whereas they had hitherto had no interest, and it would facilitate their obtaining payments, a process which was at present troublesome.

MR. HENLEY said, he was sorry that the Government had not accepted the proposal to refer the Bill to a Select Committee, for by its means, with a strong hand, they intended to constitute themselves trustees of a sum of £60,000,000 of money without the consent of the suitors interested in the money. The hon. and learned Gentle-

Mr. Barter

man the Solicitor General had told the House that this was a large sum of money, and that was true. He had also told the House that the proposition of the Government had satisfied a great many of the suitors, and that was also true; but that was not a reason for objecting to the Motion for referring the whole subject to a Select Committee. In a case of this kind the Government should have only one object in view, and that was to give every security and every satisfaction in their power. But what was the feeling entertained by suitors on the subject? He had spoken to many of them, and the result was this—no one doubted that the ultimate security for the money was sufficient, but very grave doubts were entertained as to whether they could get their money when the Courts which had the making of the orders for the payment said they should receive it. When the Courts ordered the payment of the money hitherto, it was like giving a cheque on bankers. But people did not get their money out of Chancery quickly; and if a delay of a month or two months occurred, that did not make the matter more pleasant. The mode, however, in which the Bill proposed to deal with the property in Chancery was somewhat roundabout, for if a suitor did not get his money, he would have to apply to the Lord Chancellor, and the latter in his turn to the Treasury, which when satisfied, would order the Paymaster General to pay it out of the growing produce of the Consolidated Fund; but these great men could not be moved very quickly, and whether the Court of Chancery and the Accountant General's office, though like another place they were said to be always open, were really so, he was not sure. Moreover, the growing produce of the Consolidated Fund was sometimes anticipated, Deficiency Bills being now and then heard of. There did not, then, appear such a certainty of prompt payment as at present; but if this view was a mistaken one, it would be easy for the Solicitor General to satisfy the Select Committee on the point. If the Bill had been at first sent to a Select Committee, it would by this time have been considered there. As it was, a great deal of soreness had been caused among the suitors by the course of the Government, and that was as bad as cheating them.

THE CHANCELLOR OF THE EXCHEQUER said, that two pages of Amendments had been set down on this Bill, and the Government had satisfied all but two of the Movers of those Amendments. He did not know whether a Select Committee would be more successful in dealing with the details of the Bill. The fact was, that upon this Motion to refer the Bill to a Select Committee the principle of the measure had been again discussed; but hon. Gentlemen ought to show that the objections they made would be more likely to be removed in a Select Committee than in a Committee of that House; and they had really shown nothing of the kind. The right hon. Gentleman (Mr. Henley) said that the Accountant General's office and the Court of Chancery, like another place, were always open; but the very complaint made was, that for three months in the year those places were not open, and that, whatever the emergencies of the suitors, they could not during that time get a shilling of their money, while just before the Long Vacation there was a run upon the office and £300,000 or £400,000 were drawn out. That was the way the present system worked. Then the right hon. Gentleman said something as to the security. What was the security at present? The Accountant General had the absolute disposal of the money of the suitors, and the effect of the Bill was to substitute the whole amount of Stock and the Consolidated Fund for the security of the Accountant General. As to the audit, no doubt when you took a new Department under the Government that was an important question. But was it possible to settle that point in either a Select Committee or a Committee of that House? They had had an Exchequer and Audit Act. Did the House of Commons itself attempt to regulate the audit? No, it delegated the duty to the Treasury, which introduced a system of audit now extended with great advantage to all the Departments except the Army and Navy, into which they were about to be introduced. The Controller and Auditor General were of opinion that a new officer must be appointed. Even if that were so, such an officer, at, say, £1,500 a-year, replacing one whose salary and emoluments amounted to £4,600 a-year, would effect a saving; but he demurred entirely to the statement that such an officer at

a high salary was necessary, although it probably might be necessary to increase the staff of inferior officers. The proper course would be to find out in practice what was wanted, and then, no doubt, at the instance of the Treasury, the House would supply what was wanted. Again, it was not to be taken for granted that there should be no audit at all, but merely an examination before payment. Such a system was not equivalent to an examination after payment. With regard to what had been said by the hon. Member for the City of London, as to the gentleman who acted as broker, it would not be advisable to deal with his case in the Bill, but it would be carefully considered and liberally dealt with.

DR. BALL said, he had made no objection to the proposed transfer, and to the proposal that the Government should have the use of this money; but he thought it desirable that the accounts of the Court of Chancery should be kept by officers of the Court, while the Government kept their own account of the money paid over to them. That was the system adopted in the Landed Estates Court in Ireland, and it had worked well, ensuring the greatest certainty and accuracy. The proposal in the Bill, however, would make the Government masters not only of the money, but of the accounts, without any corresponding check upon them; for you could not reach Government officials as officers of the Court of Chancery could be reached by the orders of the Court. In a Select Committee, these points might be fully considered.

MR. OSBORNE MORGAN said, he was not much enamoured of the principle of the Bill, which applied for the public benefit in money as much private property as the hat he held in his hand. But the principle having been adopted, a reference of the Bill to a Select Committee would secure no good which could not equally be gained by discussing the Bill in a Committee of the Whole House.

Question put, and *agreed to*.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

Bill *considered in Committee*.

(In the Committee.)

Clauses 1 to 17, inclusive, *agreed to*.

The Chancellor of the Exchequer

Clause 18 (Rules for regulating proceedings).

MR. GREGORY, in moving that the rules under this Bill should be framed, not by the Treasury, but by—

"The Lord Chancellor, with the concurrence of the Master of the Rolls, the Lords Justices of the Court of Appeal in Chancery, and the Vice Chancellors of the Court of Chancery, or any three of them,"

said, the Amendment he proposed was consistent with all recent analogous legislation—and it was desirable to make it so, because of the extent to which the interests of suitors might be affected, and because the natural guardians of the suitors' rights were the Judges of the Courts of Chancery.

MR. OSBORNE MORGAN said, he trusted the Government would see their way to accept the Amendment. The Court of Chancery in its administrative capacity was the best guardian that could be found, having lost less than £1,000 by fraud and negligence in 150 years. The great objection to the Government scheme was, that it gave to the debtor—the Government, the power of dictating the terms on which their own securities might be enforced; and, further, there was no reason why, in this instance, there should be a departure from the usual practice of allowing rules to be drawn up by the permanent Judges.

MR. SPENCER WALPOLE said, he could not agree with the Amendment as it was drawn, because it would exclude the Treasury from the superintendence and control of the funds; at the same time, however, the object of the Amendment—the greater protection of the suitors by the authority of the Judges, ought to be attained. The Lord Chancellor and the Treasury sometimes had conflicting interests; and that would appear to be the case with reference to deposits. Therefore, he wished "shall" to be substituted for "may" in the deposit clause, so as to make it imperative that in all cases 2 per cent interest should be paid to suitors.

MR. HINDE PALMER said, there was great force in the remarks just made, which the Government ought to consider. The Amendment before the Committee might be inserted in another part of the clause after the words "Lord Chancellor," and it might be provided that the rules should be made by the Lord Chan-

cellor, the Judges, or any three of them with the concurrence of the Treasury.

SIR RICHARD BAGGALLAY said, the suggestion just offered would meet the case.

THE SOLICITOR GENERAL said, it was impossible to accept the Amendment. The Bill simply proposed that certain financial arrangements which ever since the Court of Chancery existed had been left to the Lord Chancellor should remain with him. What was said on the other side was, that in some modern Acts of Parliament relating to legal procedure, the making of rules had been left to the Lord Chancellor and the other Judges. Now, however, they were dealing not with matters of law at all, but simply with the best mode of carrying out a new financial arrangement. It had nothing to do with the office of Judge of the Court of Chancery, and therefore the Judges ought not to be called upon to make regulations on a subject with which they were not familiar. The persons charged with these duties were Ministers of the Crown, who were responsible to the House of Commons; and he might remark that the Judges named in the Amendment could not possibly be as familiarly acquainted as the Treasury and the Lord Chancellor with the working of the Accountant General's Department. There was no ground, moreover, for distrusting the Lord Chancellor, who had had similar duties imposed upon him since the reign of George I. In conclusion, he trusted the Committee would allow the rules to be made by persons who were responsible to that House.

SIR FRANCIS GOLDSMID said, he thought there was no weight in the Solicitor General's argument against the Amendment, which would give the Lord Chancellor additional strength in protecting the interests of the suitors.

DR. BALL said, he was of opinion that the Lord Chancellor would be glad to have the assistance of one or two Judges, who were brought daily into contact with the minutiae and detail of Chancery practice. He would, moreover, remind the Solicitor General that the Lord Chancellor possessed a jurisdiction more of an appellate than of an originating character, and therefore he approved of the Amendment.

THE CHANCELLOR OF THE EXCHEQUER said, it was highly desirable that

the rules which were intended to protect the suitors on the one hand and the public on the other, should be framed by persons who were responsible to the House of Commons, and not by Judges who could not be compelled to attend to the expressed wishes of the House.

MR. GREGORY said, he would withdraw his Amendment, and would move another—namely, at page 8, line 9, after the word "Chancellor," to insert—

"With the advice and assistance of the Master of the Rolls, the Lords Justices of the Court of Appeal in Chancery, and the Vice Chancellors of the Court of Chancery, or any two of them."

The Amendment was quite in harmony with the whole tendency of modern legislation, for in matters affecting the interests of the suitors the Judges of the Court of Chancery should have a voice.

Amendment proposed,

In page 8, line 9, after the word "Chancellor," to insert the words "with the advice and assistance of the Master of the Rolls, the Lords Justices of the Court of Appeal in Chancery, and the Vice Chancellors of the Court of Chancery, or any two of them, and,"—(Mr. Gregory.)

Question proposed, "That those words be there inserted."

MR. HENLEY said, he thought it would be most unfortunate if those orders should be so made that they would become the subject of any discussion in that House. They could not forget that the Lord Chancellor was a political as well as a judicial officer; and leaving the rules to be made by two political officers would not be so likely to give satisfaction to the suitors as if an independent judicial authority was joined with them. He could not see what objection the Government could possibly have to the reasonable proposal of his hon. and learned Friend.

MR. GLADSTONE said, that the Amendment of the hon. and learned Gentleman was wholly unsound in principle, and took a false view of the position of Judges to that House. As to the argument just adduced by the right hon. Gentleman opposite (Mr. Henley), the Lord Chancellor had always possessed the power, and the Government thought it right that he should continue to possess it. How could the Judges give security to suitors? The Judges were not to be made liable; it was the public that were to be liable; and therefore the House of Commons should exercise all control in the public interest. Besides, it must be

remembered the proper business of the Judges was to decide causes, and not to take care of funds. In fact, the House had burnt its fingers in former days, having been asked to vote money for the supply of defalcations arising out of Orders imposed by Judges—and quite right too, as it was the business of the House to give security for moneys deposited in public custody pending litigation. On those grounds, the Government could not give way on the question.

SIR RICHARD BAGGALLAY reminded the Committee that the Judges were constantly called upon to exercise a discretion in regard to the investment of those moneys, and that that would continue to be the case after the passing of the Bill.

Question put.

The Committee *divided*:—Ayes 48; Noes 105: Majority 57.

MR. CRAWFORD wished to know, what was the meaning of that part of the clause which declared that the Lord Chancellor and the Treasury should determine the mode of computing the interest? Were any unusual elements to enter into the calculation?

MR. BAXTER said, he did not understand it, and could not give an answer.

Clause *agreed to*.

Clauses 19 and 20 *agreed to*.

Clause 21 (Pension to present Accountant General).

MR. DICKINSON moved that the clause, which provided that on the abolition of his office Mr. William Russell, the Accountant General, should retire on his full salary, should be amended by substituting the words "two-thirds" in place of "full."

MR. HUNT said, the Amendment was in accordance with the practice of former years, which was, when an officer retired and was relieved from the whole of his duties, to give him two-thirds of his salary. It was only in cases where sinecure offices were abolished that the full salary was given as a pension. If the clause were passed as it stood, it would be setting a very bad precedent, and it would be utterly impossible to avoid following it in all future cases of a similar character.

MR. CRAWFORD hoped the Government would adhere to the proposition contained in the clause. The office of

Mr. Gladstone

Mr. Russell, the Accountant General, had been by no means a sinecure office.

MR. MAGNIAC said, that in making this change for the public benefit, Mr. Russell's claim ought not to be overlooked. The question must depend upon the character of the appointment.

MR. WHITWELL said, he considered that Mr. Russell ought to be satisfied with a pension of two-thirds of his salary.

MR. RYLANDS asked why, in granting this pension, the usual course had been departed from? No cause had been shown for making that change.

MR. MONK said, from what had been stated by the hon. Gentleman the Member for London (Mr. Crawford), this gentleman did not stand on any different footing with regard to pensions from the holders of other offices, and who retired on two-thirds of their salaries.

THE CHANCELLOR OF THE EXCHEQUER said, that 20 years ago, when the Masters in Chancery were abolished, they retired on full salaries. Mr. Russell was at that time a Master in Chancery, and it was considered only fair that that principle should now be applied to him. That was the best answer he could give to the question. Whenever the Government attempted to make reductions, they had to yield their opinions to those expressed by the House.

MR. OSBORNE MORGAN said, it was high time for the House to set its face against paying men the same for doing nothing as they did when they were occupied. They had got a long way from the precedent of 1852. He should support the Amendment.

MR. GREGORY said, he could give a precedent that dated back beyond that referred to by the Chancellor of the Exchequer. Twenty years before the period alluded to by the right hon. Gentleman the clerks in Chancery retired on their full salaries.

MR. CHILDERS said, he thought it important that in such cases the House should follow recent precedents. There had been a vast number of abolitions of offices and consequent compensations during the last 10 years, and the Committee ought to be cautious as to the establishment of any new rules which might give rise to new claims. He should like to know, therefore, whether the gentleman who held the office under discussion was absolutely entitled to hold

it during the remainder of his life; whether he was able to discharge its duties or not, because in that event he would be entitled to his full salary, while if it were otherwise, he would have no such claim?

THE CHANCELLOR OF THE EXCHEQUER said, the office not being a sinecure, of course, the person holding it could only do so as long as he was able to perform its duties.

MR. DELAHUNTY said, he wished to point out, that whatever decision the Committee arrived at in the present instance would form a precedent for the case of the Irish Accountant General. He, for one, was of opinion that two-thirds of the salary was a sufficient amount to give.

Amendment agreed to.

Clause, as amended, agreed to.

On Clause 22 (Existing officers of Accountant General).

MR. SALT said, he hoped some change would be made whereby the inconvenience of the Long Vacation would be got rid of. He also hoped some assurance would be given that economy would be practised in the administration of the Office. The individual and aggregate salaries were very large.

MR. BAXTER said, he had great pleasure in being able to inform the hon. Gentleman that eventually there would be a considerable saving in the number and salaries of the clerks. At present, it was not proposed to make any change.

MR. GREGORY reminded the Committee that the clerks had great responsibilities thrown on them, and it was essential that they should be well paid.

Clause agreed to.

Remaining clauses agreed to.

Schedules agreed to.

House resumed.

Committee report Progress; to sit again upon *Thursday* 30th May.

IRISH CHURCH ACT AMENDMENT

BILL—[Lords]—[BILL 87.]

(*Mr. Attorney General for Ireland.*)

THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."—(*Mr. Attorney General for Ireland.*)

MR. NEWDEGATE: Sir, in the absence of my hon. Friend the Member for Bury St. Edmunds (Mr. Greene), I rise to move the Amendment of which he has given Notice, that this Bill be re-committed. I believe some notice was taken on a former occasion of the point to which I wish to call the attention of the House; but from all I can gather of what then took place, I do not think that point was so fairly submitted to the House as it ought to have been. This Bill proposes to alter the substance of the 3rd clause of the Irish Church Act. In that 3rd clause the Commissioners are appointed, who are to administer all the affairs of the Irish Church as disestablished—that is, disestablished in so far as regards its connection with the State—and also disendowed; some portions of its property being thrown into a common fund, which was to be administered by the Commissioners under this section of the Irish Church Act. The powers of those Commissioners are most extensive. They have power to deal with the whole of the property remaining to the Irish Church, and their proceedings are not subject to be checked by any Court whatever. It is expressly stated that their proceedings shall not be removed by *certiorari* into any other Court; that their decisions shall have the power of acts of the Court of Chancery; and that those decisions shall be absolutely final. These are far more extensive powers than Parliament is wont to confer. The Commissioners were Viscount Monck, Mr. Justice Lawson, one of the Judges of the Court of Common Pleas in Ireland, and my lamented Friend the late Mr. George Alexander Hamilton. Many of us remember him. He was one of the Representatives of the University of Dublin, and a better man than he was I do not know. He was afterwards appointed Secretary to the Treasury, and successive Prime Ministers have testified to his excellence and efficiency as a public officer. When the right hon. Gentleman the present Prime Minister proposed Mr. Hamilton as one of the Commissioners, it was quite evident that he nominated him in addition to Mr. Justice Lawson and Lord Monck, as a person in whom the members of the Irish Church might place implicit confidence. He distinctly stated in this House, that Mr. Hamilton had written

to him, to the effect that his consenting to serve on the Commission was not to be taken to imply his acquiescence in the policy of Her Majesty's Government in disestablishing the Irish Church; and in those words, the right hon. Gentleman the Prime Minister conveyed to this side of the House, who were opposed to it, an assurance that in Mr. Hamilton, there would be one Commissioner, who, if feeling was to have anything to do with the proceedings of the Commission, would be absolutely with the Irish Church. I come now to the Bill before the House. That Bill, instead of allowing the vacancy created in the Commission by the lamented death of Mr. Hamilton to be filled up according to the course prescribed in the Irish Church Act of 1870, proposes to vary the proceedings in relation to the constitution of the Commission; and here I would add, that, although we were aware in 1870 that each of the Commissioners was a member of the Irish Church, as it is still termed in the Act, when the Bill reached the House of Lords, the Archbishop of Canterbury moved the insertion of words, specifying that the persons, who were to be, or who should succeed the Commissioners, appointed under the 3rd clause of the Act, should each be thus qualified—as being a member either of the said Church or of the said United Church—that is, either of the Irish Church or of the United Church of England and Ireland as it existed at that time. That Amendment was accepted without opposition by the House of Lords, and also without question in this House. Well, I do not understand the reasons for it, but it happens that in the present measure that principle is to be departed from. The words proposed by the Archbishop of Canterbury, and accepted by Parliament, are to be set aside by this Bill. The Bill proposes that the third Commissionership—that vacated by the death of Mr. Hamilton, should be filled by one of the Irish Judges in certain events—that is, in cases in which there is an appeal from the decision of one of the Commissioners—for the Commissioners are empowered to act singly, but with an appeal from a single Commissioner to the full Bench of Commissioners in contested cases. Therefore, the person who is to be successor to the late Mr. George Alexander Hamilton is to come in and take part as

Mr. Newdegate

a Commissioner, and share in all the powers of the Commission, the decisions of which are to be final in such contested cases. Now, a single Commissioner may transact the business, which is not contested, in which no serious objection is raised; but by this Bill it is not necessary that the third person, who is to be one of the Judges, and who is to be called on to assist in deciding contested business as the third Commissioner—it is not rendered necessary by this Bill, as it was in the original Act, that he should be a member of the Irish Church. So a Roman Catholic, if the Bill remain unaltered, could dispose of the property of the Protestant Church. I can scarcely think it is the intention of the House to allow this qualification to be dispensed with. I have shown that it will be in the most critical business of this Commission, in cases in which it will be dealing absolutely with the various interests created under the Irish Church Act of 1870, that this third Commissioner will be called in; and I hold that for that very reason, the third Commissioner should have the same qualification as is required of the other two Commissioners, and as was required of all three by the unanimous consent of Parliament in 1870. I have no means of carrying out that intention, except by moving that the Bill be re-committed; and I trust the House will accept the statement I have made as evincing the strong feeling which was entertained of the great importance of the late Mr. Hamilton's qualifications and services when he was appointed to the Commission, a feeling entertained by many others as well as myself. I have now to move that the Bill be re-committed.

Amendment proposed, to leave out from the words "Bill be" to the end of the Question, in order to add the word "re-committed," — (*Mr. Newdegate*,)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

THE MARQUESS OF HARTINGTON said, he trusted the House would not consider it necessary to re-commit the Bill, for the hon. Gentleman the Member for North Warwickshire (*Mr. Newdegate*) was under a misconception when he stated that it was the duty of the Commissioners to administer the affairs of the Disestab-

lished Irish Church. But that was not so. Their duty was to superintend the operation of the transfer of the property of the Irish Church to the State, and to deal with all questions arising out of that transfer, such as the commutation of life interests, and other matters affecting existing incumbents. A further duty of the Commissioners was to take charge of the property of the Disestablished Church until it could be converted into ready money and be disposed of by Parliament. As had been stated the other day in Committee on the Bill, almost all the questions affecting the interests of the incumbents of the Irish Church had been disposed of; and even were that not the case, the introduction of a third Member for a particular purpose would not in the least prejudice their interests. A judicial Member of the Privy Council, as this Judge might be, who might be called upon to act, might, no doubt, be a Roman Catholic, or not a member either of the Disestablished Church or the Church of England; but he would be called upon to take no part whatever in the administrative business of the Commission, but only to act judicially.

Question put.

The House *divided*:—Ayes 86; Noes 35: Majority 51.

Main Question put, and *agreed to*.

Bill read the third time, and *passed*.

JURIES BILL—[BILL 111.]

(*Mr. Attorney General, Mr. Solicitor General.*)

SECOND READING.

Order for Second Reading read.

THE ATTORNEY GENERAL, in moving the second reading of the Bill, said he proposed that it should be referred to a Select Committee. He proposed that course because the matters contained in it were of a complicated character, and better to be dealt with in a Select Committee than in a Committee of the Whole House. He might, however, say that his main object in framing the Bill had been to bring in as many men as possible to serve on juries, and thereby to diminish the pressure of the service on each individual. It had, however, been found necessary to deal separately with the City of London, the object in view being to get the same

class of persons to serve on common and special juries there as elsewhere. In some cases, disqualifications would be extended. For instance, persons who had been convicted of felony would be no longer qualified to serve on juries; but, on the other hand, many classes now exempted would in future be liable to serve. Clergymen of the various religious denominations would no longer be exempt, and the Bill also proposed that the absolute exemption in favour of Members of the House of Commons should not extend beyond the Sitting of Parliament. ["No, no!"] Of course, it was quite possible that the House of Commons might entertain a different opinion on that point. Then the Bill would reduce the number of jurors, except in cases of murder, from 12 to seven, and in civil cases two out of the seven would be special jurors; but while doing so, it would in no way interfere with coroners' or grand juries. As he should propose to refer the Bill to the consideration of a Select Committee, he would not now enter into its details, but would merely move the second reading.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Attorney General.*)

MR. HENLEY said, he must protest against a Bill which proposed such important changes of the law, and which had not been circulated among hon. Members many days, being discussed at so late an hour (12.45 A.M.). The alteration in the number of jurors assigning different numbers to different classes of crimes was quite novel, and in his opinion the House ought not to sanction the principle of the Bill without further consideration.

MR. A. YOUNG said, he must admit that the Bill would introduce important alterations in the jury system, but thought its provisions could be better dealt with by a Select Committee than by the House at large. He could say that in the Australian colony with which he was formerly connected the number of jurors for the trial of civil issues had been reduced from 12 to 4, and that the change had proved beneficial. He was sorry the hon. and learned Gentleman had not thought fit to introduce into the Bill the principle of not requiring complete unanimity in the case of

the decisions of juries in civil cases, because the present system was sometimes productive of results which were perfectly absurd.

MR. LOPES hoped the Bill would be read a second time that evening, for otherwise it was doubtful whether it would become law that Session. The question had been frequently discussed by Committees of that House; and the only new proposal was the reduction of jurymen, which, he believed, would give relief to the general body of jurymen without depreciating the tribunal.

SIR COLMAN O'LOGHLEN trusted that, in assenting to the second reading, the House would not be considered as pledging itself to the affirmation of the principle of reducing the number of a jury. That principle ought not to be accepted without full discussion.

MR. HOLT said, he would move the adjournment of the debate. The subject was one of great importance, and more time should, in his opinion, be given to consider it.

MR. ASSHETON CROSS said, he could testify to the interest felt by the public in the question, and would entreat the House to read the Bill a second time, in order that it might go before a Select Committee. There would afterwards be ample time to discuss its main provisions.

MR. R. N. FOWLER hoped the Motion for the adjournment of the debate would not be pressed. He wished also to point out that great inconvenience was sometimes experienced in the City of London from the fact that jurymen were summoned to attend at two or even three Courts on the same day. As to the exemption of Members of that House from serving on juries, it would not, he trusted, be taken away.

MR. D. DALRYMPLE said, the qualification for jurors in this Bill was so high that it would throw the work upon a very limited number of persons. He had no objection to see the details of the Bill referred to a Select Committee provided certain constitutional questions which it involved were reserved for the decision of the House.

MR. NEWDEGATE said, he thought there would be some difficulty in withholding the constitutional points of the Bill from the consideration of a Committee. He must, moreover, remind hon. Members that they were dealing

Mr. A. Young

with one of the fundamental institutions of the country, and would contend that it was not right to shuffle off a measure of such importance to a Select Committee at 1 o'clock in the morning.

Motion made, and Question, "That the Debate be now adjourned,"—(*Mr. Holt*,)—put, and *negatived*.

Main Question put, and *agreed to*.

Bill read a second time, and *committed* to a Select Committee.

COLONIAL GOVERNORS [PENSIONS] BILL.

Resolution [May 9] *reported*;

"That it is expedient to increase the reduced rate of Pension now payable to certain Colonial Governors under the Act of the twenty-eighth and twenty-ninth years of the reign of Her present Majesty, chapter one hundred and thirteen, and to amend the said Act."

Resolution *agreed to*:—Bill *ordered* to be brought in by MR. BONHAM-CARTER, MR. KNATCHBULL-HUGHESSEN, and MR. BAXTER.

PUBLIC HEALTH (SCOTLAND) SUPPLEMENTAL BILL.

On Motion of The LORD ADVOCATE, Bill to confirm a Provisional Order under "The Public Health (Scotland) Act, 1867," relating to the burgh of Brechin, *ordered* to be brought in by The LORD ADVOCATE and MR. ADAM.

Bill *presented*, and read the first time. [Bill 162.]

LOCAL GOVERNMENT SUPPLEMENTAL (NO. 2) AND ACT (NO. 2, 1864) AMENDMENT BILL.

On Motion of MR. HIBBERT, Bill to confirm certain Provisional Orders of the Local Government Board relating to the districts of East Barnet, Banbury, Glastonbury, Knarborough and Tentergate, Nottingham, Shipley, Soothill Upper, and Swadlincote; and to amend "The Local Government Supplemental (No. 2) Act, 1864," *ordered* to be brought in by MR. HIBBERT and MR. STANFELD.

Bill *presented*, and read the first time. [Bill 163.]

LIMITED OWNERS RESIDENCE LAW AMENDMENT BILL.

On Motion of Sir HERVEY BRUCE, Bill to amend the provisions of "The Limited Owners Residence Act, 1870," and "The Limited Owners Residence Act (1870) Amendment Act, 1871," *ordered* to be brought in by Sir HERVEY BRUCE, Sir COLMAN O'LOGHLEN, Sir FREDERICK HYGATE and MR. MACEVOR.

Bill *presented*, and read the first time. [Bill 165.]

CLERKS OF THE PEACE AND JUSTICES CLERKS' SALARIES AND FEES BILL.

On Motion of MR. WINTERBOTHAM, Bill to render compulsory the payment of Clerks of the Peace, Clerks of Special and Petty Sessions, and Clerks of Justices of the Peace by Salary in lieu

of Fees, and to amend the Law with respect to the fixing of the amount of such Fees, *ordered* to be brought in by Mr. WINTERBOTHAM and Mr. Secretary BRUCE.

Bill *presented*, and read the first time. [Bill 164.]

ELEMENTARY EDUCATION ACT (1870) AMENDMENT BILL.

On Motion of Mr. CHARLES REED, Bill to amend the Elementary Education Act, 1870, *ordered* to be brought in by Mr. CHARLES REED, Mr. WILLIAM HENRY SMITH, Mr. MORLEY, and Viscount MAHON.

Bill *presented*, and read the first time. [Bill 168.]

UNION OFFICERS (IRELAND) SUPERANNUATION BILL.

On Motion of The Marquess of HARTINGTON, Bill to amend the Act providing Superannuation Allowances to Officers of Unions in Ireland, *ordered* to be brought in by The Marquess of HARTINGTON and Mr. ATTORNEY GENERAL for IRELAND.

Bill *presented*, and read the first time. [Bill 166.]

CHARITABLE LOAN SOCIETIES (IRELAND) BILL.

On Motion of The Marquess of HARTINGTON, Bill to amend the Laws for the Regulation of Charitable Loan Societies in Ireland, *ordered* to be brought in by The Marquess of HARTINGTON and Mr. ATTORNEY GENERAL for IRELAND.

Bill *presented*, and read the first time. [Bill 167.]

House adjourned at a quarter before Two o'clock till Monday 27th May.

HOUSE OF COMMONS,

Monday, 27th May, 1872.

MINUTES.]—NEW WRIT ISSUED—*For* Mallow v. George Waters, esquire, Chairman of the Quarter Sessions of the County of Waterford.

SUPPLY—*considered in Committee*—NAVY ESTIMATES.

PUBLIC BILLS—*Resolution in Committee—Ordered—First Reading*—Pier and Harbour Orders Confirmation (No. 3)* [171]; Pawnbrokers* [173].

Ordered—First Reading—Oyster and Mussel Fisheries Supplemental (No. 2)* [172]; Elementary Education (Provisional Order Confirmation)* [175]; County Officers (Ireland)* [174].

First Reading—Alteration of Boundaries of Dioceses* [170]; Colonial Governors Pensions* [176].

Second Reading—Public Health (Scotland) Supplemental* [162]; Local Government Supplemental (No. 2) and Act (No. 2, 1864) Amendment* [163]; Union Officers (Ireland) Superannuation* [166], *debate adjourned*; Charitable

VOL. CCXI. [THIRD SERIES.]

Loan Societies (Ireland)* [167]; Hosiery Manufacture (Wages)* [16], *debate adjourned*; Elementary Education Act (1870) Amendment* [168].

Referred to Select Committee—Pier and Harbour Orders Confirmation (No. 2)* [158].

Committee—Report—Gas and Water Orders Confirmation (No. 2)* [141]; Pier and Harbour Orders Confirmation* [142].

Considered as amended—Municipal Corporations (Wards)[102].

CANADA (TREATY OF WASHINGTON). TRIBUNAL OF ARBITRATION (GENEVA). THE INDIRECT CLAIMS.

CORRESPONDENCE.

Copy *presented*,—of further Correspondence relative thereto [by Command]; to lie upon the Table.

Copy *presented*,—of Correspondence respecting Claims for Indirect Losses put forward in the case presented by the United States Government to the Tribunal of Arbitration at Geneva [by Command]; to lie upon the Table.—North America (No. 7, 1872).

MR. EYRE, LATE GOVERNOR OF JAMAICA —PAYMENT OF LEGAL EXPENSES.

QUESTIONS.

MR. BOWRING asked the First Lord of the Treasury, with reference to the proposed grant of £4,133 to Ex-Governor Eyre for the payment of his legal expenses, Whether he can inform the House what was the total actual or approximate amount raised by public subscription for the "Eyre Defence and Aid Fund" of 1866-8, and the "Eyre Testimonial Fund" of 1868 respectively, to which allusion is made by the Treasury Solicitor in page 61 of the Papers recently laid before Parliament?

MR. GLADSTONE said, in reply, that he wished it had been in his power to give assistance to his hon. Friend in the investigation of facts of which he very naturally felt an interest; but on reading the Papers to which reference was made in the Question, his hon. Friend would have perceived that the Treasury Solicitor, while he did make reference to the existence of a certain fund, did not imply any knowledge with respect to the amount or particulars of that fund, or the means of ascertaining them. The truth was, that the Government had no such knowledge, and had no means of ascertaining the particulars.

COLONEL NORTH asked the right hon. Gentleman, whether the Estimates containing this grant would be brought forward in sufficient time to allow of its being considered?

MR. GLADSTONE replied that care would be taken to bring forward the Miscellaneous Estimates at such a time that the grant might be discussed with advantage.

POST OFFICE—TELEGRAPHS—SUNDAY LABOUR.—QUESTION.

DR. BREWER asked the Postmaster General, If it has been brought to his knowledge that, during the hours of divine service on Sunday the 12th of May, the men employed in putting down the new Telegraph along the old turnpike road from London to the Essex coast were found by the inhabitants to be busily employed in carrying forward their work in the streets of Colchester, attracting a crowd of inquirers, and causing what was deemed a needless desecration of that day?

MR. MONSELL replied that the men were not engaged putting down the new telegraph; but the fact was, that it was necessary on all days and at all times to subject the telegraph lines to certain tests, and the men were engaged in testing the telegraph lines on the day referred to. That work was generally done in the post office; but the post office arrangements at Colchester did not allow of the operations being carried on indoors.

NAVY—GREENWICH PENSIONS—
MERCHANT SEAMEN.
QUESTION.

LORD CLAUD JOHN HAMILTON asked the First Lord of the Admiralty, How soon, and in what manner, he intends giving practical effect to the hopes held out by him to a recent deputation, that the Admiralty would increase the number of Greenwich Pensions for aged Seamen of the Merchant Service?

MR. GOSCHEN, in reply, said, he hoped soon to introduce a short Bill to compass the object to which the noble Lord's Question alluded, and when the Bill was in the hands of hon. Members it would afford them the best means of seeing how that object was proposed to be carried out.

POST OFFICE — THE POSTMASTER AT THIS HOUSE.—QUESTION.

MR. G. BENTINCK asked the Postmaster General, Whether there is any objection to appointing the Postmaster at the House of Commons to be a distributor of stamps?

MR. MONSELL said, in reply, that after communicating with the Board of Inland Revenue, he had already given directions that that officer should distribute stamps.

THE FENIAN CONVICTS — REPORTED AMNESTY.—QUESTION.

SIR GEORGE JENKINSON wished to ask the right hon. Gentleman the Prime Minister, Whether a Telegram that appeared in "The Times" of that day, to the effect that it was the intention of the Government to grant an amnesty to the remaining Fenian convicts, on the occasion of the approaching visit of the Duke of Edinburgh, is correct?

MR. GLADSTONE: No.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

TREATY OF WASHINGTON.
TRIBUNAL OF ARBITRATION (GENEVA).
THE INDIRECT CLAIMS.

STATEMENT OF SIR STAFFORD NORTHOOTE
AT EXETER.—QUESTION.

MR. BOUVERIE: Sir, seeing that he is in his place, I wish to ask the right hon. Baronet the Member for North Devon (Sir Stafford Northcote) a Question of which I have given him Notice. It is stated that the right hon. Baronet the week before last made a speech at Exeter, which was reported in the public journals; and in that speech he is reported to have used the following expressions. Speaking of the Commission at Washington, he said—

"Why their position personally had been one of great delicacy and embarrassment was this—that two questions had been raised: one, the personal question, as to what was the understanding between the Commissioners at all events, and, perhaps, between the two Governments, at the time the Treaty was negotiated; the other, as to the general merits of the question which had been raised in respect to what are called Consequential

Damages, or the Indirect Claims. Now, with regard to the personal question, the Commissioners were distinctly responsible for having represented to the Government that they understood a promise to be given that these Claims were not to be put forward and were not to be submitted to arbitration."

The Question which I wish to ask the right hon. Baronet is — first, Whether that is an authentic statement of what fell from him on that occasion; and, secondly, if that be so, what was the understanding with respect to this affair which he mentioned in that speech; what were the circumstances under which it was come to; and with whom was it come to?

SIR STAFFORD NORTHCOTE: Sir, in reply to the Question put to me by the right hon. Gentleman opposite, and also to one of similar import of which private Notice has been given me by the hon. Member for North Wilts, I have to say, in the first place, that the quotation referred to is an accurate report of what I said in my speech at Exeter. I thought it right to say what I did upon that occasion, because I had seen an announcement that a despatch of Mr. Fish, dated the 16th of April, had just been published in America, and which was therefore sure to be published in this country, from which those reading it must infer that the Claims for Consequential Damages had been formally presented to the Commissioners at Washington, who had made no objection to them. I thought it right, as one of the Commissioners, instantly to contradict such an assumption, in order to prevent an incorrect impression on the subject getting abroad. I made use of the expressions which have been referred to without any previous consultation with either of my Colleagues or any Member of the Government, in order to state on my own authority that that was not at all the view which I, at least, took of the matter. With regard to the other Question of the right hon. Gentleman, I hope that the right hon. Gentleman, and also the House, will see that I stand in a very delicate position. I was at Washington as an agent of the Government, I was one of the five Commissioners, and I do not think I am entitled to speak on behalf of the other four—I do not think also that I should be justified in going into what occurred at Washington without communication with the Government, and more especially

without communicating with my brother Commissioners, and especially with Lord Ripon, who is at present away from town in attendance on Her Majesty, and with whom I have always acted upon the most confidential terms, and between whom and myself there has never been the slightest difference or disagreement. Under those circumstances, I do not think that it would be right on my part to answer the last Question of the right hon. Gentleman.

MR. BOUVERIE: Sir, I think I may fairly ask the right hon. Gentleman this further Question—whether the understanding referred to in his speech was immediately communicated to Her Majesty's Government?

SIR STAFFORD NORTHCOTE: I would rather the right hon. Gentleman would give Notice of that Question before I answer it.

MR. BOUVERIE: Then I beg to give Notice that I shall ask it to-morrow.

TREATY OF WASHINGTON.

TRIBUNAL OF ARBITRATION (GENEVA).

THE INDIRECT CLAIMS.

THE SUPPLEMENTAL ARTICLE.

MR. DISRAELI: Sir, I had hoped that before this the right hon. Gentleman at the head of the Government would have felt it his duty to make some communication to the House respecting the negotiations relating to the Treaty of Washington; but, as he has not done so, I will make some inquiry of the Government with regard to the state of those negotiations. The House will, I am sure, recollect that on the eve of our adjournment the right hon. Gentleman made a very important and interesting statement to us upon the subject of our negotiations with the United States. I collected myself at that time from the observations of the right hon. Gentleman—at least my own impression was that Her Majesty's Government had made to the Government of the United States a proposition, the object of which was to terminate the difficulties respecting what are called the Indirect Claims that had been preferred by the Government of the United States, and, indeed, virtually to withdraw those Claims from the consideration of the Tribunal at Geneva. I collected also from the right hon. Gentleman's statement—at least, that was my own impression—that the Government

of the United States had received in a sympathetic spirit the proposition of Her Majesty's Government, and that the President had agreed to place that proposition in the form of a draft Supplementary Article before the Senate for their consideration and approval. It would, I am sure, have been most interesting to the House and to Parliament generally, if we could have been acquainted before the adjournment with the terms of the Supplementary Article. But it appeared to me that the plea for withholding those terms from us urged by the right hon. Gentleman, was quite irresistible when he told us that the Supplementary Article was to be discussed in the Senate of Washington in Secret Congress, and that it would be looked upon as a violation of confidence if it were made public at that moment in England. I felt myself—and I think my sentiments on the subject must have been generally entertained on both sides of the House—that it was impossible after that statement of the right hon. Gentleman to press for any particulars whatever at the moment. But I must say it was with the greatest mortification that immediately after the adjournment of this House I found that the contents—I may almost say the verbal contents—of that Article were made known in America, and of course by the rapid means of communication that now prevail, they immediately became familiar to every one in this country. The consequence was, that from a delicate feeling of honour—which I trust may never be found wanting in this House—we were prevented from expressing any opinion upon that important document, and we made that great sacrifice for an object of State interest, which was no doubt of great moment, but of the advantage of which we were thus entirely deprived. I make no charge whatever against Her Majesty's Government on this head. I am quite sure that the right hon. Gentleman, opposite, and the Advisers of Her Majesty in general—that any Gentlemen under any circumstances, and from any party who might become Ministers of the Crown—would never trifle with the House of Commons in such a matter. I have no doubt that the statement of the right hon. Gentleman was *bond fide* in every sense; but, at the same time, I regret that Her Majesty's Government did not take the necessary pains to be

better informed upon the matter; and I should like very much to know upon what representations the right hon. Gentleman felt that he was justified in calling upon the House to make so great a sacrifice, and which prevented us from giving our opinion, if we had deemed it necessary to do so, upon this important proposition. We have heard to-day—I know not upon what authority, for I have only just arrived in town—but we have heard from the public prints that the Senate has accepted this Supplemental Article, but with modifications. What I wish to know, in the first place, from the right hon. Gentleman is, whether this is authentic information which we have received—namely, that the Supplemental Article has been approved by the Senate; and, secondly, whether modifications have been introduced into it; and as we are now in possession of the authentic terms of the Supplemental Article, I should further wish to know whether the Ministry will state what are the modifications which have been introduced into that Article; and, whether an opportunity will be given to Parliament before Her Majesty is advised to ratify and sanction this Supplemental Article, in whatever form and with whatever modifications, to express their opinion upon it? That is the principal object that I have in rising, and I had hoped that by some communication to the House by the right hon. Gentleman, it would have been made unnecessary for me to put these questions. But there is one other topic connected with these negotiations upon which the House has a right to obtain some information. The House is aware that by the 5th Article of the Treaty of Washington, within two months of the period when the Counter Case was sent into the Tribunal at Geneva, which was the 15th of April, we were called upon to offer, either in a printed or in a written form, our arguments in favour of our views. Now, that Statement—which is, of course, the most important document that can be placed before the Tribunal at Geneva—cannot be sent in after the 15th of June. I wish to know from the right hon. Gentleman, whether he clearly sees his way in the present state of the negotiations at Washington, so that we may be certain that we shall be able to comply with the Treaty, and in a manner which will not at all injure our

Mr. Disraeli

rights or the present position we have taken up in reference to some of its stipulations? The House will see at once that if the Supplemental Article is not agreed to by both Governments by the 15th of June and we do not send in our arguments by that time the Treaty will lapse; and if we do send them in before the Supplemental Treaty is agreed to, we send them in to a state of final adjudication, waiving our objections to the Claims for Indirect Damages that have been preferred. The House will, therefore, see the great importance of our being quite correct upon this question. It has been proposed by a rather eminent authority on the other side of the Atlantic that a Joint Note should be presented by both Governments to the Tribunal at Geneva, asking for time and requesting delay; but it appears to me—and I think it may appear to others of greater authority—that it is doubtful whether the Tribunal at Geneva could grant such delay under the terms of the Treaty; and, as far as we can be guided by the conduct of previous Courts of Arbitration, I think that even if they had the power they might decline to exercise it. The House will see, therefore, that it is of great importance that we should have the clearest information from the Government, and I therefore would request the right hon. Gentleman to inform us on this occasion, whether it is in his power to make the House acquainted, in the first place, with the reported modifications proposed by the Government of the United States in the Supplemental Article, and whether, when that Article is in an ultimate and authentic form, we shall have an opportunity of giving an opinion upon it? I would also ask him whether, remembering that after the Supplemental Article has been approved by the Senate—which I will assume for the moment is the fact—it must still be negotiated in the form of a Treaty, and therefore that considerable time must elapse, he can inform us what precautions he has taken that we shall not under the 5th Article of the Treaty of Washington lose the advantages, if there be advantages, in the main Treaty, or be committed, by prematurely sending in our arguments, to those Claims which we have now for so long a time and in so decided a manner objected to?

MR. GLADSTONE: Sir, I will follow the topics to which the right hon. Gen-

tleman has adverted in the order in which he has touched upon them. The right hon. Gentleman referred to the appeal which was made by me to the House of Commons, and by my noble Friend the Foreign Secretary to the other House of Parliament, for a prolongation of the forbearance they have shown in a remarkable degree during the last few months. That appeal was founded upon many considerations of general prudence. I stated that the President of the United States had actually submitted for the consideration of the Senate the Supplemental Article which had been drafted by Her Majesty's Government on a suggestion from the other side, and had been transmitted to America for the consideration of the President. In making that appeal to the House of Commons, undoubtedly the principal motive which was operating upon my mind was not so much the apprehension of what might result from its publication in this country, in the shape of comments either from Parliament or the public—though there are general rules which make it right to reserve the publication of the terms of an Article—as the belief that its premature publication in America might lead to mischief, and might possibly fetter the future proceedings of the authorities there, or at any rate, that it was only due to them to leave the consideration of that matter in their hands. That was the nature of the appeal which I desired to make, and I am not surprised that the right hon. Gentleman should feel some mortification at the fact that, within a very short time after that appeal, an Article very nearly corresponding in terms with the draft which we had transmitted should have been divulged in a manner which, as might have been expected, caused it to find its way immediately to this country. The right hon. Gentleman puts to me a Question on this point of which perhaps I do not fully gather the importance—namely, upon what representations it was that we thought ourselves justified in making our appeal to the House of Commons. Now, as far as general prudence and general policy are concerned, the appeal was not based on representations made to us, but on our own judgment, with which I think Parliament was pleased to concur. The representations of fact which were made to us were the representations which we stated at the time, and which

I believe were perfectly correct—namely, that the submission of this Article for the counsel and advice of the Senate had been made by the President, and that a submission of that kind, as we understood the Constitution of America, was strictly in the nature of a confidential submission. That, I believe, to be entirely accurate. If the right hon. Gentleman asks me how it was, under those circumstances, that this Article, or something nearly resembling it, shortly afterwards became public in America, I am afraid it is a Question which should rather be put in another place, on another side of the water than on this side. It is not for me to blame anyone, or even to venture on a surmise whether that publication was premature, or whether it was owing to individual carelessness or accident, or whatever cause. Such things do happen, I think, from time to time in America, and perhaps in other countries as well; but the House will perceive that it is not a matter for which Her Majesty's Government can be in any degree responsible. The right hon. Gentleman then inquired with respect to the present state of the negotiations, and what I have to say is that we were informed yesterday that the Senate had agreed by a very large majority to the draft Article proposed by Her Majesty's Government, but with certain verbal amendments. I used the word verbal casually—with certain amendments in its terms. Those amendments were not made known to us in a formal, accurate manner, so that we could take any step with regard to them, until to-day. The Cabinet met to consider them this afternoon; but the House will bear in mind that all these questions require very careful consideration. Indeed, they require advice as well as consideration from the Counsel of the Government, and under these circumstances the House will not be surprised when I tell them that what we met to take into consideration an hour and a-half ago we have not yet been able to dispose of, so as to be in a condition to transmit the final expression of our judgment to the American Minister. Under these circumstances, the right hon. Gentleman, therefore, will at once understand that I am not in a position to make any communication to Parliament. Had I been so, I should have been only too happy to do it without waiting for any invitation, even from him.

Mr. Gladstone

The modifications proposed by the Senate have not yet been published in America; they are strictly confidential as between the two Governments, and it would not be for the public interest that we should do anything to remove that seal of confidence until the time comes when it can be done without disadvantage to the interests involved. Then the right hon. Gentleman asks whether time will be given for the consideration of the arrangement by Parliament before the ratification of the Treaty. Now, that is a stage which we have not yet reached, inasmuch as the terms of the Article are under discussion between the two Governments; and I would rather that the right hon. Gentleman should be good enough to put his Question on that subject on Paper, so that I might give him an answer with perfect precision. I have my own ideas upon the matter, and I know that this proposition must be transmitted across the water. Communications are now going on by telegraph; but I would rather not enter into particulars without having the opportunity of obtaining the most precise information from the Foreign Office. The right hon. Gentleman also referred to the argument which may have to be laid by or in behalf of the two Governments before the Arbitration at Geneva by the 15th or 13th of June. Now, I think it would be manifestly premature on our part to make any announcement whatever to Parliament with respect to the steps that are to be taken at Geneva until we are able to conclude the business which we have at present in hand with respect to the Supplemental engagement, for the whole consideration of the question regarding the proceedings at Geneva must evidently depend in a very material degree upon the nature of the determination at which the present negotiations on the Supplemental Article may arrive. It would, I think, be so far from giving information to the House, that it would rather tend to confuse both the House and the mind of the public were we to allow those two matters to be in our own view mixed up together. What I am willing, however, to state to the right hon. Gentleman is, that we are perfectly aware of and have carefully considered the element of time in this matter, and that we shall endeavour to bear in mind our duty to Parliament, as well as our own position, in the

steps which we may have to take with respect to it. The right hon. Gentleman has referred to the idea which has been entertained—I may not, perhaps, call it a proposal—that application should be made to the Arbitrators to enlarge the time allowed for consideration in this matter, and he has expressed a doubt as to the powers of the Arbitrators in that respect. Now, it is not necessary for me to enter into the sufficiency or insufficiency of the powers of the Arbitrators to deal with that question, because it is evident that if an enlargement of time were desirable, the necessary powers for procuring it could be effected by agreement between the two Governments. As far as Her Majesty's Government is concerned, it is a matter that might be considered with great promptitude. I am not able to say to what degree that is also the case in America; but the question of time would undoubtedly be treated, as far as we are concerned, with a view to the attainment of the main object which we all desire—that is to say, that no mere question of time ought to be allowed to prevent the attainment of a good which by an enlargement might be made attainable. Until, however, we know—which we do not at present—that we may not be able to arrive at a satisfactory conclusion without an enlargement of time, it would obviously be needless and premature to raise any question upon that subject. I have now answered all the Questions of the right hon. Gentleman as well as I can; but there is this one addition which I wish to make. I have said that we recollected the importance of the element of time with respect to the approach of the date for the proceedings at Geneva. We are still more sensible of its importance with respect to the communications that are now going on, and I think I may very safely venture to say on behalf of my Colleagues and myself, that not a moment will be lost, nor a moment spent, beyond what necessity and prudence absolutely require, in returning our reply to the proposal which has been made on the part of the American Government, so as to make every contribution in our power towards an early arrival at that consummation which both nations, as we are convinced, so earnestly desire.

MR. HORSMAN: In the answer just given by the right hon. Gentleman there was one point which I did not clearly

understand—namely, whether the modifications referred to will be submitted to Parliament, and whether Parliament will be allowed to express an opinion upon them before, by the action of the Government, they are finally accepted. The right hon. Gentleman has more than acknowledged, and gracefully acknowledged, that the Government had been treated with great forbearance in this matter. That forbearance, I think, binds the Government to treat the House with some trust and confidence, and considering that neither side has in the slightest degree embarrassed the Government, and that we have shown them every confidence, we may ask them to show us equal confidence, and allow us to see these modifications before they take final action upon them.

MR. GLADSTONE: My right hon. Friend, who I may say has not been one of the least forbearing Members of Parliament with reference to this subject, did not gather with perfect accuracy the answer which I gave to the right hon. Gentleman opposite. The modifications referred to are modifications in an Article which has been proposed by one Government to the other, and which, if adopted, will eventually form the substance and *corpus* of a Treaty between the two countries. After that Treaty has been signed it will be ratified. With regard to the ratification the right hon. Gentleman opposite put to me a question just now, in answer to which I said that, although I had a view in my own mind upon the subject, I would rather not answer until I had an opportunity of ascertaining with perfect precision and exactness what would be the necessary course in the matter, so that when I did reply I should give an answer which the right hon. Gentleman would be perfectly safe in accepting. My right hon. Friend has put to me the same question in different terms—namely, whether Parliament will have an opportunity of considering these modifications before they are finally settled? The question of my right hon. Friend and that of the right hon. Gentleman opposite (Mr. Disraeli) are substantially the same, and I must decline to give an answer until I have an opportunity of seeing the question of the right hon. Gentleman printed in the Paper, which will probably be to-morrow.

SUPPLY—NAVY ESTIMATES.

SUPPLY—*considered* in Committee.

(In the Committee.)

(1.) £174,500, Coastguard, Royal Naval Coast Volunteers and Reserves.

MR. ALDERMAN LUSK desired to be informed as to the truth of a report that the Naval Reserve was not in that state of efficiency that was supposed, and that there was not a sufficient number of modern guns and gun-carriages provided for their training. He also wished to know, why so large a Coastguard Force was maintained when there were so few seizures?

MR. GOSCHEN said, he could assure his hon. Friend that there were few subjects which had attracted the attention of the Admiralty more seriously than that of the Royal Naval Reserves. Those who had given his hon. Friend information might not have seen the reports made from time to time on that force; but he could assure him that they were inspected rigorously by naval officers, and that the last Report especially gave a most satisfactory account both as to their quality and their general aptitude for duty. Their number was about 13,200. Some of them were in distant parts of the world; but they were all under most stringent obligations to serve. When he first went to the Admiralty, he doubted about the possibility of making this a thoroughly efficient force; but he was now convinced that in the Royal Naval Reserves we had a very valuable auxiliary force. There was an excellent spirit among them. They were sent to drill every year for 28 days. As to the few seizures made by the Coastguard, he thought the fewness of those seizures might be deemed a proof of the efficiency of the Coastguard. The revenue was greatly indebted to them for their vigilance. In time of war they would be a most valuable body.

In reply to Mr. DICKINSON,

MR. GOSCHEN said, the allowance to the men of the Royal Naval Reserves amounted to £10 per man, and was given to them partly in respect of the 28 days' drill, and partly in the shape of a retainer, and to indemnify them against the inconveniences they suffered through not being able to take long voyages without getting leave. If they failed to present themselves at the 28 days' drill they forfeited the retainer.

SIR JAMES ELPHINSTONE said, he thought the Naval Reserve was one of the most valuable forces which they could have. They were the flower of our seamen, and the great majority of them had shown at drill their extreme aptitude for gunnery. It was, therefore, a great mistake to suppose that we did not get the full value of the allowance which was made to those men. He regretted that his hon. Friend the Member for Liverpool (Mr. Graves) was not in his place; but there was one point to which his hon. Friend called attention last year, as to which he wished to ask a question. It was, whether the right hon. Gentleman had taken off the restriction as to height in the Coastguard Service. It did not at all follow because a man was not 5 feet 3 inches or 5 feet 4 inches that he was not a good sailor. Some of the best men on board ship that he had known were only 5 feet 2 inches.

MR. GOSCHEN said, the height had been reduced from 5 feet 5 inches to 5 feet 3 inches, with this additional regulation—that anyone who had been in the Navy might be admitted, provided he was certified to be strong.

MR. ALDERMAN LUSK having again expressed some doubts as to the efficiency of the men,

MR. GOSCHEN hoped that the evidence of the hon. and gallant Gentleman (Sir James Elphinstone), who so seldom agreed with Her Majesty's Government on these matters, would be sufficient for his hon. Friend. Most of the men would be found to be thoroughly efficient. Naval officers, who were exceedingly jealous for the honour of the Service, said that the men were very efficient in drill, and that they were a very valuable body. If a man who was on a long voyage did not attend, it would be pretty certain that he had obtained leave of absence.

LORD HENRY SCOTT asked, whether it was in the contemplation of the Admiralty that some steps should be taken for the proper officering of the Royal Naval Reserve? If any plan was now under consideration he did not wish that an immediate answer should be given; but he thought it well that the right hon. Gentleman's attention should be called to the matter.

MR. GOSCHEN said, the question of officering the Royal Naval Reserve

had been, and still was, under the consideration of the Admiralty. It had been pointed out that the present system of officering the Reserve was capable of great improvement, and a plan had been submitted to him to improve it. He had not yet had an opportunity of discussing the subject thoroughly with his official advisers, and he should not like, therefore, to give a sketch of a plan which had not yet been adopted.

Vote agreed to.

(2.) Motion made, and Question proposed,

"That a sum, not exceeding £978,983, be granted to Her Majesty, to defray the Expense of the Dockyards and Naval Yards at Home and Abroad, which will come in course of payment during the year ending on the 31st day of March 1873."

MR. RYLANDS, in rising to move a reduction of the Vote by £100,000, said, he would remind the Committee that this Vote was intimately connected with Vote 10 for Stores, upon which it was his intention to move a reduction of £150,000, so that the reduction upon both Votes would amount to £250,000. That was a reduction which could be very easily effected if Her Majesty's Government were prepared to carry out those principles of economy upon which the Government was formed. In 1870, the right hon. Member for Pontefract (Mr. Childers) came down to the House with Navy Estimates which showed a considerable reduction upon those of former years, being no less than £2,000,000 below the Estimates proposed when the Government of the right hon. Member for Buckinghamshire was in office. The present Estimates showed a considerable increase on those of 1870-1.

MR. GOSCHEN: But that does not include the Supplementary Estimates of 1870-1.

MR. RYLANDS thought himself perfectly justified in leaving entirely out of view the additional expenditure included in the Supplementary Estimates growing out of the panic on account of the Franco-German War. The Estimates presented by the right hon. Member for Pontefract were not only in the aggregate considerably lower than the Estimates of the present year, but the two Votes to which he was now calling attention were less by £250,000—the Dock-

yard Vote being less by £100,000, and Vote 10 by about £150,000. His right hon. Friend had been only one year in the office at the time he made a reduction of £2,000,000 on the Estimates of the right hon. Gentleman opposite (Mr. Corry); but his right hon. Friend had had previous experience as a Member of the Board of Admiralty under a former Administration, and for several years; and while an independent Member of the House, had paid especial attention to naval questions, and had proved at all times his desire for economy, in those respects differing from the present First Lord. In the speech which the right hon. Member for Pontefract made in moving the Navy Estimates in 1870, whilst announcing his intention to make large reductions, he laid down three important principles in naval administration—first, the economical administration of the dockyards, by doing away with a large number of useless and expensive officials, and the limitation of the number of men employed in the dockyards to 11,000; secondly, to limit, as far as possible, the manufacture of stores by the Government, and to go into the open market for their purchase, and thereby to give shipbuilding yards an opportunity for competing for their contracts; and thirdly, to concentrate, as far as practicable, our ships and vessels of war at home, so as to have near our own shores the largest possible force for immediate use if necessary. He regretted that the Government were carried away by the panic of 1870, and induced to come down with Supplementary Estimates, which apparently they had not been able to throw off. The House and the country sympathized with the circumstances that caused the withdrawal of the late First Lord from public life, and it was a public misfortune that he was not carrying out the reforms he enunciated in 1870. The present First Lord had increased the number of men, and if his principle were carried out to the fullest extent, Government would become the manufacturers of everything they required. [Mr. Goschen: No, no!] The right hon. Gentleman would seem to deny that that inference was to be legitimately drawn from what he had stated; but he distinctly argued as a reason for building a larger proportion of tonnage in the Government dockyards, that he could get the work done

on more advantageous terms than in private yards, and he said that he thought it best to rely upon their own dockyards for the regular shipbuilding, and to go to the private yards in cases of pressure and emergency. Surely, if these words meant anything they must mean that, in the judgment of the First Lord, the Government should give out contracts only in cases of sudden emergency, and that, as far as possible, the Admiralty should be the manufacturers of all their materials and ships of war. The right hon. Gentleman in accordance with that policy was keeping up the number of men in the dockyards beyond the maximum proposed by his predecessor, and he also advocated the distribution of their vessels all over the world instead of concentrating them for the defence of their shores. In all these respects the First Lord had reversed the policy of his predecessor, and by so doing had reverted to the old ways of waste, extravagance, and inefficiency. In fact, his policy was just the same as that of the right hon. Member for Tyrone (Mr. Corry), and the speech in which the First Lord moved the Estimates this year might have been appropriately delivered by the Member for Tyrone. So much was this the case that the noble Lord the Member for Chichester (Lord Henry Lennox) congratulated the First Lord of the Admiralty upon having taken a course contrary to that of the right hon. Member for Pontefract. The noble Lord saw that the right hon. Gentleman (Mr. Goschen) was playing the game of those who occupied the front benches opposite. The noble Lord (Lord Henry Lennox) said—

“The number of dockyard men taken in the present year, 12,858, was 1,586 in excess of the number taken by the right hon. Gentleman (Mr. Childers) in 1870. An economical fever had seized the House of Commons, the result of economical views throughout the country on the eve of a General Election, and the result was a reduction in the dockyards; but before the men who were then sent as emigrants to Canada touched the soil of their new homes they were much wanted in our own dockyards. He was glad that the First Lord had been statesmanlike enough to take warning by the mistake of his predecessor, and play none of those sudden economical pranks with our dockyards, but maintain the men there at the same strength as in the previous year.”—[3 *Hansard*, ccx. 463.]

He (Mr. Rylands) entirely disputed the assertion of the noble Lord that the men who were sent as emigrants to Canada

Mr. Rylands

were much wanted in our dockyards before they reached their new homes. It was only in consequence of the absurd panic of 1870 that any additional men were placed in the dockyards, and he believed that their labour, so far from being wanted, was actually unnecessary and was probably wasted; whilst if any emergency had really existed, the private shipbuilding yards would have supplied everything that the Government were unable to produce. The noble Lord spoke of the reductions in the dockyards as being “economical pranks,” and he (Mr. Rylands) admitted that it was, in his opinion, exceedingly undesirable that there should be any great and sudden change in the number of men. It was undesirable that there should be one year a very large, and the next a much smaller number. There had been instances of that kind. He found that in 1867 the number of men employed in our dockyards was 18,330, while in 1868 that number was suddenly reduced to 15,200. That was a reduction that no doubt created a considerable amount of inconvenience, and must have involved the workmen in difficulty and distress. But who made that sudden change? The right hon. Gentleman opposite the Member for Tyrone. But the policy advocated by the right hon. Member for Pontefract was entirely different. It was not to make sudden changes, employing alternately a larger and a smaller number of men; but to keep down the number to the smallest maximum, and then if additional work were required, to go into the open market and to give orders for any additional vessels that might be wanted beyond those already contracted for. That appeared to him a prudent and sensible course, and he thought the maximum proposed by the right hon. Member for Pontefract ought not to have been exceeded. But the present First Lord was unwilling to remove the men set to work during the period of panic, because he was of opinion that it was undesirable to disturb the number of men they were themselves employing in order to increase the amount of work to be done by contract; and he went on to say that “if they discharged their own men, they would have to pay high prices for building in private yards, where, possibly, the men they had themselves discharged would be engaged in constructing the ships for which enor-

mous prices were being paid." And he further contended that the Government could do the work cheaper because they paid lower wages to the dockyard men, in consequence of their expectation of receiving pensions after a certain length of service and of their regular employment all the year round. But he (Mr. Rylands) altogether questioned the accuracy of the right hon. Gentleman's conclusions, and he challenged him to show that the labour in the Government dockyards would be found cheaper than in private yards. In the public dockyards there had to be paid not only the wages of the men, but a large amount in the shape of establishment charges. He found from the Returns that the total amount of wages for the home dockyards for the present year amounted to £712,571, while the charges for management, superintendence, pensions, and police was £247,795; so that the cost under these heads amounted to a sum of not less than £18 per head per annum upon every man and boy employed in the dockyards. The present Secretary to the Admiralty (Mr. Shaw-Lefevre), when out of office, used to criticize the conduct of the late Board of Admiralty in permitting so large an amount to be expended on the official establishments connected with the different dockyards, and he should be glad to find that the hon. Gentleman was himself now giving his attention to the subject. A crowd of costly and useless officials was maintained in the dockyards. His hon. Friend the Member for Montrose (Mr. Baxter), when speaking as Secretary for the Admiralty in 1870, made some strong remarks on this subject. He said—

"He had been over all the yards, and, as his right hon. Friend had said, had routed out a great many things that had not seen the light of day for years before. One thing that had struck him particularly was, how amazingly the dockyards were over-manned, having a crowd of accountants, cashiers, storekeepers, master shipwrights, and admiral superintendents. As a man of business, it was impossible for him not to see that all that might be much simplified with benefit to the public. As to responsibility the consequence of having so many of those officers was, that nobody was responsible at all."—[*3 Hansard*, cxcix. 984.]

The remarks of his hon. Friend the Member for Montrose had been supported in a remarkable manner by the conclusion arrived at by the Royal Commissioners appointed to inquire into the loss of the *Megara*. The Royal Commis-

sioners, as the result of their inquiries, report as follows:—

"We feel compelled to add that we have formed, however unwillingly, an unfavourable opinion as to the mode in which the administration of Her Majesty's dockyards is generally conducted. The important work of the survey vessels seems often to have been done in an incomplete and unsatisfactory manner. Officers too often appear to us to have done no more than each of them thought it was absolutely necessary to do; following a blind routine in the discharge of their duties, and acting almost as if it were their main object to avoid responsibility."

Had any steps been taken by the Government to reduce that crowd of officials, and to prevent the want of attention to their duties which, according to the Commission, was displayed by the dockyard officials? Then, as to the wages of the dockyard artificers, the First Lord of the Admiralty said that men were obtained for reduced wages owing to the pensions awarded to them. What was the amount of this saving? Was it 5 per cent? He could, at all events, tell the First Lord what was the loss resulting from this pension list. The amount of pensions paid to discharged artificers this year was not less than £126,154, or nearly 6s. for every 20s. paid in wages to artificers on the establishment.

Mr. GOSCHEN said, the hon. Member was taking the present number of artificers in the yards; whereas the pension list represented the accumulated pensions upon very much larger numbers.

Mr. RYLANDS replied that all these pensions covered years when smaller as well as larger numbers were employed than were on the establishment now. In order to rebut his (Mr. Rylands') argument, it must be shown that the present number of artificers was much smaller than the average during the past 20 years; but, considering that our Navy Estimates had certainly increased by £4,000,000 or £5,000,000 a-year during that period, he much doubted whether that could be shown; and that being so, he challenged the right hon. Gentleman to show the saving effected in wages in the dockyard establishments as compared with wages in private ship-building yards. But, then, swarms of police were necessary to protect public property in the dockyards. The fact was almost incredible; but in their dockyards at home they paid for police not less than £22,908 a-year, and abroad £8,690. Thus, in order to overlook these 12,000

men in the dockyards, a crowd of officials was employed who seemed to stand in each other's way, and received a just rebuke from a Royal Commission, while the pension system added 5s. or 6s. to every 20s. paid in establishment wages, and over £30,000 a-year was paid for police either to keep the men employed from robbing the public, or to guard the public property from the dangerous population of the dockyard towns. From his business experience, he ventured to say that if any large private undertaking were carried on upon the same principles as our dockyards, the owners would very soon be in *The Gazette*, and ought to be taken in charge by their friends. He might remind hon. Members that in 1868 an important Select Committee was appointed to inquire into "Admiralty Moneys and Accounts." It was presided over by his hon. Friend the Member for Lincoln (Mr. Seely), and the evidence taken before that Committee demonstrated that the cost of vessels in the public dockyards was much greater than the cost of those built in private yards. That, at all events, was the opinion of the hon. Member for Lincoln, who, in his draft Report, as Chairman, made the assertion, that—

"If the cost of all the iron-clads built in Her Majesty's yards between 1858 and 1865 bears the same proportion to the cost as that of the *Achilles* to the *Black Prince* and *Warrior*, the excess cost of Admiralty built iron-clads during those years has been £1,663,000, on an expenditure of £3,500,000."

And the Report further states, that in several cases the Committee had found the cost of repairs of old ships and old engines had exceeded the price for which new ships and new engines could have been bought. There might be some difference of opinion as to the conclusions at which the hon. Member for Lincoln had arrived; but there could be no doubt that, having regard to the enormous capital invested in the Royal Dockyards, and all the other expenses he had referred to, the working in those dockyards must be more costly than in private yards. The First Lord had told the House that in order to avoid paying enormous prices to private shipbuilders, he was determined to push forward the completion of every vessel but one on the stocks, and to build new ships. What could be the reason for such a course, at a time when not only wages had risen,

Mr. Rylands

but also the price of every material out of which ships were made? Unless the First Lord had bought the materials in advance, and had now got them on hand, it would be a most improvident thing to press forward the building of new tonnage at the present moment. If they kept up a large body of workmen in the dockyards they must find work for them, however high might be the price of materials in the market, and they must press forward the building of vessels which probably might not be required. Another reason for stopping this rash expenditure for new ships was, that there existed great uncertainty as to what was the best ship of war. The Report of the Committee on the Designs of Ships of War was of such an astonishing character that it ought to be well considered before more money was spent on the construction of vessels which might become obsolete in the course of three or four years; and they had the high authority of Armstrong and Whitworth for doubting whether it would be desirable for the future to build armoured-plated vessels. It should also be borne in mind that a new power—that of the torpedo—was being brought into operation; and, under these circumstances, it was most unwise for the Government to come down, when labour and materials were dear, and ask the House for money to manufacture new vessels. There could be no justification for the course taken by the First Lord, unless he could show that there were some urgent reasons for preparing means of defence for this country against some threatened danger. But the right hon. Gentleman did not pretend that any further expenditure was necessary for home defence. On the contrary, he expressly said—

"He wished to say in distinct terms that looking to the condition of the navies of other countries, and at the amount of the offensive force of those countries they might be likely to be engaged with, he did not think it would be right to ask Parliament to devote any further large sums at present in strengthening their home defences. They believed that was one of the points on which they were strongest, and on which they need not fear, at present at least, that there was any country that could equal them."—[3 *Hansard*, ccx. 428-9.]

The right hon. Gentleman further asserted that England was now relatively stronger than ever before, and in comparing our force with that of France, he pointed out that since 1866 there had

been additions to our fleet, which had made an enormous difference in favour of this country as compared with France. Under those circumstances, it appeared almost incredible that the Government should be pushing forward the building of new vessels, and incurring an unnecessary and extravagant expenditure, from which no advantage could be derived. But the noble Lord the Member for Chichester (Lord Henry Lennox) deprecated any comparisons with the French Navy, and he urged that—

“We had in this country only to consider what was the proper strength of our Navy for the performance of the various duties so graphically described by the right hon. Gentleman at the close of his speech, and we ought not to enter into a race of building with other Powers.”—[*Ibid.* 464.]

That was, no doubt, a sound doctrine; but why was it not acted upon in former years? Again and again, successive First Lords had pointed to the extent of the French Navy as a reason for an increase of our own; but, so long as the position of the French Navy could be made use of as an excuse for expenditure in this country, we were never warned against “running a race of building with other Powers.” On the contrary, ex-official Members when on the Opposition side of the House—and probably the noble Lord amongst the rest—made it a constant complaint against the Admiralty of the time being that they were not keeping up in “the race of building” with our dangerous neighbours. But now when France was no longer formidable, and could not possibly for many years to come possess a Navy that would be dangerous to them, and when therefore it might be expected that the opportunity would be taken of reducing their naval expenditure, the noble Lord and other hon. Members jumped up in their places and warned them against making comparisons with France. So long as such comparisons could be used as a justification of expenditure they were prominently urged, but now that they would tend in the direction of economy, they were told to disregard them as being “more than ordinarily fallacious.” He had said that the policy of concentrating ships at home did not find favour with the First Lord, and at that statement the right hon. Gentleman had expressed his dissent by shaking his head. But what other conclusions could be drawn from the re-

marks of the right hon. Gentleman? He had spoken of the “immense amount of work which was not immediately connected with a war establishment,” and of the “ubiquitous duties to be performed by the Navy of England.” What were those ubiquitous duties? Occasionally there was evidence of some of them in the Civil Service Estimates, when Votes were taken to cover charges of conveying a Bishop on his visitation to the Sandwich Islands, or of entertaining Royal and distinguished personages on board of men-of-war. But it was scarcely necessary to keep up foreign squadrons for purposes such as those. The right hon. Gentleman went on to say—

“If, therefore, we do not build ships for fighting, we shall still have to build them for other purposes; our policy will still be an expensive one, so long as the House resolves to keep up, not for ourselves alone, but for the benefit of the world at large, the police of the seas, and endeavours to stop such practices as the traffic in labourers in the Polynesian Islands, and to check the slave trade on the Coast of Africa; or is always disposed, if we hear of an Englishman or woman stranded or kept on any barbarous island, to send a man-of-war to their relief.”—[*Ibid.* 460.]

Well, if that were the true policy of the country as propounded by the right hon. Gentleman, he would no doubt find ample excuses for scattering their war vessels on foreign stations; but he (Mr. Rylands) entirely protested against the doctrine that the taxpayers of this country should be burdened to keep up a Navy “not for ourselves alone, but for the benefit of the world at large.” As regarded the operations of their squadrons in aid of benevolent objects, he thought it could be shown that on the Coast of Africa and in China frightful atrocities had been committed by their men-of-war, and he could not suppose that it was in the interest of the Polynesian labourers or of Christian missions that the *Rosario* should sail round the island of Nukapu, pouring in shot and shell at a distance of 2,000 yards, setting fire to villages, and bringing destruction upon many of the native islanders who were probably innocent, and upon women and children. He should be anxious to know what course the Government intended to take with the captain of the *Rosario*, in order to prevent such disgraceful occurrences in future? As regarded the “police of the seas,” he considered that that was an International duty; and that any

measures for the suppression of piracy where it existed to any serious extent, should be taken by the combined action of the Great Powers, and certainly formed no justification for the great expenditure incurred by the maintenance of foreign squadrons by this country. The right hon. Gentleman had ended by asserting that their Navy was required to protect the commerce of England and carry civilization abroad; but that theory, though accepted before the time of Cobden, had since been universally condemned, even by Ministers at present in office when presiding at the Cobden dinner. Their ships of war were not instrumental in developing commerce. That was brought about by individual enterprise, and by the cheapness of goods.

MR. GOSCHEN said, he had said nothing about developing commerce. He had confined himself exclusively to the protection of their commerce abroad.

MR. RYLANDS contended that his argument was perfectly sound even if restricted to the narrower point. He trusted the Committee would support him in his Motion to reduce the Vote as a mark of its opinion that excessive expenditure should not continue, and that ships which were really not necessary should not be pressed forward at the present high price of labour, and of material. He would move that the Vote be reduced by £100,000.

Motion made, and Question proposed,

"That a sum, not exceeding £878,983, be granted to Her Majesty, to defray the Expense of the Dockyards and Naval Yards at Home and Abroad, which will come in course of payment during the year ending on the 31st day of March 1873."—(*Mr. Rylands.*)

MR. WYKEHAM MARTIN said, in reference to the expense of police at the dockyards, that so far as Chatham was concerned the Government only employed some 58 officers there, whose duty it was to protect miles of ground stored to repletion with valuable property against the depredations of convicts, who, if not closely watched, were notoriously given to secreting property in order to obtain those delicacies which the laws of their country would not allow them—while the cost of their services amounted to no more than £5,000 a year, an expenditure which, he held, was well laid out. As to pensions,

Mr. Rylands

all persons superannuated before 1868 not only paid for their pensions, but they brought a profit to the Government out of the system; and he knew scores of men who were now living on pensions, every farthing of which they had formerly paid out of their own earnings. He believed that the Government offer of a small pension operated as an *ignis fatuus* in most cases. It acted as a retaining fee, although it was a delusion; and it kept the men at work at wages which were absolutely inadequate for the support of their families. In fact, he believed they paid such a price for their pensions that it had been stated that any insurance society would gladly take the annuities at a far lower price. A Return he had in his hand of the wages of a painter, who might be regarded as a skilled labourer, showed that the man received 2s. a-day except when he was employed in painting iron ships, when he got 2s. 6d. a-day. Why, the agricultural wages in Warwickshire were 12s. and 14s. a-week, so that there was only 1s. a-week to the good of the painter. While the Secretary to the Admiralty was paying 14s. a-week to ordinary labourers at Chatham, where you could not get the commonest room under 1s. 6d. a-week, a respectable farmer, not 10 miles distant, between Michaelmas, 1870, and Michaelmas, 1871, paid the following sums to his men, whose weekly rent was 2s., which included a garden, while they could have an additional garden independently at 5s. a-year—the first, £78 5s.; the second, £62; the next, £67; the next, £72; and a boy, £53 11s. Personally, he (Mr. Wykeham Martin) employed a certain amount of labour, and there was only one who had less than 15s. a-week; and even in Warwickshire, which was purely an agricultural county, the result of the recent strike was, that farmers had been obliged to raise wages to 15s. a-week. Something had been said about the general increase of prices, and he could recollect the time when chops, cheese, bread, and beer could be obtained at the club for one-third less than the present tariff rate. He could read letters from dockyard *employés* which would make hon. Members shudder. A man with a wife and five children was living on 14s. a-week, and a man who had been hurt by an accident had to keep himself, wife, and children, and pay rent out of

7s. a-week. He therefore protested against the Admiralty being charged with paying high wages, when it paid only 14s. a-week in the *quasi*-manufacturing county of Kent. The hon. Member for Warrington (Mr. Rylands) had further overlooked the cost of superintendence in the Government yards, where a permanent staff must be employed, whether the labourers were many or few. He hoped the right hon. Gentleman the First Lord of the Admiralty would have a little mercy on his own flesh and blood, and would not reduce wages below the living point.

MR. RYLANDS explained that he did not want to reduce wages. He merely pointed out that in calculating the wages paid account must be taken of pensions. He believed the hon. Member for Rochester (Mr. Wykeham Martin) had been alluding to men who were not on the establishment.

MR. SAMUDA said, he was prepared to support the Vote, because while private yards might be, in many instances, advantageously resorted to, Government yards, properly administered, were absolutely necessary to the country. There was not, however, really the great difference the hon. Member for Warrington (Mr. Rylands) supposed between the present Estimates and those of the right hon. Gentleman the Member for Pontefract. There was great force in the proposal that a fixed amount of work should be done regularly in the Government yards, and his complaint was, that they were now doing too much in proportion to the private yards. It was understood that the proportion to be given to private yards should be 25 per cent; but that was not the proportion of the present Vote allotted to contract work. No doubt Government pensions, joined with other privileges, such as receiving their wages all the year round, and being paid whether it was wet or dry, were important considerations, and induced men to accept less wages, so that, with judicious management, the Government gained an advantage over private yards, and had no difficulty in getting men; and that rendered it the more incumbent on the Government to maintain an unvarying amount of work, and not disarrange private trade. Altogether the interests of the country required that the work should be divided very differently from that proposed in the Esti-

mates, and that a much larger proportion of it should be given to private manufacturers.

MR. OTWAY said, he could not agree with any of the opinions expressed by his hon. Friend the Member for Warrington, and although it was desirable that the country ought to obtain the full value of the labour it paid for, yet that was impossible under the existing system. His hon. Friend's remarks had been extremely vague, for instead of there being swarms of policemen, as his hon. Friend had alleged, it had been shown by the hon. Gentleman below him (Mr. Wykeham Martin) that only 58 policemen were employed, and that the whole cost of the protection and police supervision of a property worth £20,000,000 sterling was only £4,799 a-year. Could the complete protection and supervision of private property of such value be secured by so small an annual expenditure? There were many other assertions of his hon. Friend to which exception might be justly taken. Great national establishments could not be conducted on the profit-and-loss principle which his hon. Friend advocated. If, for example, it were necessary to construct large vessels for national purposes, the work must be carried on, irrespectively of any rise or fall in the price of iron. There was another matter which had not occurred to his hon. Friend's mind when condemning the system of superannuation pursued by successive Governments, and that was the great danger which now threatened every industry in the country—he meant the strikes. The great danger which now threatened the industry of this country was the system of strikes. Everybody must regard those combinations with a certain amount of dread; and it was, therefore, a satisfaction to know that by the wise arrangements which had been acted on for some years past, the Government had induced men to remain in the public service at a moderate rate of wages by holding out to them the prospect of a moderate pension. Thus, the Government had entirely insured themselves against that great national danger. His hon. Friend, however, had not alluded to that subject, but had taken the whole of the superannuation as compared with the amount paid to the establishment artificers, and had asserted that out of every 26s. of wage 6s. were paid in pension.

If his hon. Friend conducted his own establishment on the arithmetical principles he had propounded, he was astonished at the prosperity he was generally believed to have attained. His hon. Friend had also spoken only of the establishment artificers, forgetting that the great bulk of the labour in the dockyards was performed by men who never came on the establishment at all. His hon. Friend would doubtless concur with him that the Government ought to obtain all the labour for which they paid; but, considering the increase in rent and the high price of the barest necessities of life, excluding meat altogether, it was impossible for a labourer to live on 14s. a-week. Consequently the labourers, after completing their 10 hours' work in the dockyards, were under the necessity of going to other employments, and, in some instances, toiling till midnight, the result being, that on the following day they could not devote their full strength and energy to the Government work. His right hon. Friend the First Lord of the Admiralty had evinced every desire to ameliorate the condition of the artificers in our dockyards; but, unfortunately, he had overlooked the labourers at 14s. a-week. All the conditions of their life had changed since their wages were fixed, for not only had rent risen, but the expenses the men were put to in consequence of the new kind of work to which they were put had increased, added to which, since iron shipbuilding had been introduced the wear and tear of clothes had increased some 40 or 50 per cent, and this was a very serious matter to a man earning only 14s. a-week. Again, the work was exceedingly unhealthy, and accidents to the eyes were much more frequent than formerly. It was true that provision was made by the Government for sending men thus injured to the Ophthalmic Hospital; but he knew of one case where a labourer paid £7 in travelling expenses to and from the hospital, and in the purchase of a false eye. Surely the Government ought to take into consideration the changes which had occurred in the conditions of life since the rate of wages was fixed? At Chatham the Government was a great proprietor and the sole proprietor; but it did not perform any of the duties of a proprietor. An agricultural labourer in receipt of 14s. a-week had the advantage of an occa-

sional visit from the squire or his lady, of beer or cider and increased wages at harvest time; but the labourer in the Government employ enjoyed none of these advantages. It was not creditable to the Government, therefore, to maintain the existing state of things. It was the duty of the Government to give these men for their labour a sufficiency to live upon, and instead of being disposed to reduce the Vote by a single farthing, he hoped his right hon. Friend would take the first opportunity of increasing the wages of the labourers, who were at present so inadequately paid.

MR. G. BENTINCK said, he could not imagine a graver charge than that which had been preferred by his hon. Friend the Member for Warrington (Mr. Rylands) against Her Majesty's Government. Put into plain English, the charge of the hon. Member for Warrington meant that Her Majesty's Government were prepared to sacrifice the honour and the security of the country to a description of economy which might, perhaps, enable them to save a few pounds and obtain a few clap-trap votes. It was also to be lamented that hon. Members should—unconsciously he was sure—mislead the Committee and the country upon questions such as the one now under discussion; for it was a pity that the country should be led into a belief that the dockyards were conducted upon a system of wasteful extravagance, while, as a matter of fact, the system was one of penurious and mischievous economy. It was all very well for hon. Gentlemen to compare the state of things in 1870 with that which existed at the present time, because the state of facts at the two periods was entirely different. In what he said he wished it to be understood that he did not blame the right hon. Gentleman now at the head of the Admiralty for this state of things, which he found in existence when he went into office, and who had not as yet had time to undertake the almost hopeless task of putting our naval affairs into a proper condition; but in order to justify what he said, he would ask the right hon. Gentleman one or two questions on points of detail. For instance, was the right hon. Gentleman of opinion that the number of workmen at present employed in Portsmouth Dockyard was sufficient for the work now in hand; and if he was so satis-

Mr. Otway

fied, he should further like to inquire how it came to pass that there were such remarkable proofs existing of inefficiency in the operations of that dockyard? Was it true, for example, that there was only one tug in it in a serviceable condition, so that on the occasion of the recent collision in the Channel, the *City of Baltimore* had to be towed off by two vessels of war? If that was so, it reflected great discredit upon the department which had control of the yard. Again, it was said that as the boilers in certain ships, built at a cost of between £400,000 and £500,000, had become so much worn as to be dangerous at high pressure, it had been determined not to replace the boilers but to work them at a much lower pressure, thus rendering vessels practically valueless which had been built for speed at enormous cost. That again, if true, showed a most unsatisfactory state of things. Further, it was important that ships of great draught of water should be able to get in and out of a harbour like Portsmouth with ease; but it was rumoured that the harbour had only a single dredger in a condition fit for service. Yet another of the rumours he had heard in circles where the importance of questions of this kind was as well understood and as highly appreciated as in the House of Commons—it was stated that the repairs of the *Prince Consort* and the *Warrior* were proceeding so slowly that the vessels could neither of them be looked upon as being efficient ships in Her Majesty's service. If those rumours were well founded, the Government had clearly made themselves liable to the charge of persisting in that false economy which had hitherto resulted in so enormous an expenditure. It should not be forgotten that as respected the French Navy, that nation was as strong as ever it was; and the more so, as in later years we had been committing the fatal mistake of doing away with our old wooden screw line-of-battle ships, which were our only sure resource in case of disaster, and replacing them with iron-clads, which we could not, as yet at all events, regard as sea-going or efficient vessels. In conclusion, he felt bound to add that nothing was more ruinous to the country or to the naval service than the system of strikes which had been so prevalent in the country for the last few years.

VOL. CCXI. [THIRD SERIES.]

MR. GOSCHEN said, that the objections urged in the course of his speech by the hon. Member for Warrington (Mr. Rylands) had to some extent been answered by hon. Gentlemen who from that (the Ministerial) side of the House had taken part in the debate, therefore he (Mr. Goschen) should be able to keep his remarks within narrow limits. His hon. Friend had founded his criticisms not so much upon the Navy Estimates as upon his (Mr. Goschen's) speech in moving them; but he had failed to indicate a single item in them that was extravagant; and he had not attempted in the course of his remarks to show that they were building too many ships, or that they were replacing those they had by too many iron-clads. He was incorrect, moreover, in supposing that there was an increase in this year's Navy Estimates of £600,000 as compared with those of 1870. In 1870-1, they were £9,370,000; this year £9,508,000, or an increase of £138,000. It was equally an error to suppose that he was plunging into shipbuilding beyond the standard established by his predecessors, the fact being that the amount of new tonnage he proposed to build in the ensuing year was 20,000 tons, which the late First Lord of the Admiralty had declared to be the normal annual amount necessary to maintain the efficiency of the Navy; while in regard to that being a bad time to complete iron ships in, on account of the high price of iron, he would observe that they were taking the opportunity, for that very reason, of replacing a certain number of wooden corvettes and sloops, the construction of which had lately been somewhat neglected. Therefore, in that direction, the Government had not been so improvident as his hon. Friend would lead them to imagine. Then came the charge that they were keeping up an excessive number of men in their dockyards; and here he might remark that he had never stated that in times of peace they ought to do all the work which they required in the public dockyards and reserve the private yards for times of war. That was an exaggerated view of what he had said, and, as a matter of fact, out of 20,000 tons of shipbuilding to be done in the year, 3,400 would be executed in private yards. The statement that only £4,000 was to be expended during the year in private yards

was also equally incorrect, for the amount now contracted for, although all would not be due during the financial year, was £80,700. In reference to the comparative advantages of public and private yards, what he had stated was this—that the frequent discharge of men from the Government dockyards would disturb the minds of the labourers, and would neutralize the advantages arising from having a certain number of men on whom the Government could under all circumstances rely; but he had never concealed the opinion that the events of the last few years had proved the importance of having a large number of men in their dockyards of whose services and abilities the Government could always be assured, for even the most ardent and disinterested advocates of doing work by private contract would admit that it was quite impossible to do the whole or nearly the whole in that manner and by that means, supposing it were confined simply to repairs and the maintenance of ships, which constituted a very large proportion of what was necessary to be done. In these circumstances certain establishments under certain supervision were indispensable; and the question was whether, having got these establishments and all that plant, it was cheaper for the Government to build their own vessels or to put them out to contract. A special reason, moreover, why the Admiralty should limit its operations to its own dockyards this year was on account of the extraordinary high price being asked for every species of contract work; and further, had he (Mr. Goschen) preferred to discharge more men from the dockyards in order to let the work be competed for by private enterprise, he should have followed a course which would not have been appreciated either by the Committee or the country. He would admit, however, that it was an enormous advantage to have private firms to fall back upon to supplement the regular Admiralty resources when such a step was required; while being equally certain the main numbers on whom the Admiralty should rely were their own *employés*. Then, again, his hon. Friend had forgotten that there was a certain number of ships for certain duties, not at the call of the Government, but at that of the interests which needed to be protected. That tended to increase the Estimates, but it was an item which was wholly unavoidable. Reference had

Mr. Goschen

been made to the conduct of the captain of the *Rosario*; but, although it was clearly inexpedient to enter into a discussion upon that matter now, he desired to state, with a view to prevent misapprehension on the subject, that he had been assured by the captain that the shells were fired over the natives, and that there was no loss of life. The subject of the employment of labourers and the rate of wages paid to them—a subject referred to by several hon. Members—was also a matter upon which it would be inexpedient to enter. He had, however, considered the question, and had consulted competent authorities upon it, but he was anxious not to make any statement likely to raise hopes that might not be realized. He would mention, however, in reference to the statement that the men engaged in extra work in order to add to their incomes, that they were employed in the yards for only 8½ hours. No doubt the men at Chatham were worse off than those at Pembroke, owing to the high price of provisions at Chatham as compared with Pembroke. The question had also been asked by the hon. Member for West Norfolk, as to whether a sufficient number of men were employed at Portsmouth for the work to be done, the answer to which was, there had been a great pressure of work at Portsmouth during the last few months, and he had encouraged as far as possible the system, that every available man should be put upon the fighting ships rather than upon the subsidiary vessels. It was true that the pressure upon the boilers of the *Minotaur* had been decreased; but it was a question whether the ship should be put into reserve at once, and the boilers be discarded altogether, or whether the boilers should be used for another year. That was a matter of discretion. He was not prepared to say—and he believed it had not been the custom of the Admiralty—that boilers should be at once discarded if at a reduction of pressure they would still be able to do good service for another year. He had now dealt with most of the points raised, and he trusted that his hon. Friend would not press his Motion to a division.

MR. CORRY said, it was not his province to defend the policy of the First Lord of the Admiralty, as contrasted with that of his predecessor in office; but he wished to point out that the increase of 1,570 in the number of work-

men in the yards under the Estimates of 1871-2 was not made by the present First Lord of the Admiralty, but by the Board of the late First Lord, after his unfortunate illness obliged him to absent himself from the office. And in saying that, he would add that it would have been quite impossible to go on with the reduced Vote of the year 1870-1, and it was, therefore, absolutely necessary to increase the number of the men in the dockyards, as was done by the Board of the late First Lord and continued by his successor. The hon. Member for West Norfolk (Mr. G. Bentinck) had been, like himself, at Portsmouth; and, speaking for Portsmouth, and he believed also for other yards, he could say the establishment of men was not adequate to complete the programme—that was to say, the work which the Admiralty deemed necessary for placing the Navy in a proper position in the present year. At Portsmouth, moreover, the programme of work included something which ought never to have been part of the programme of that or of any other dockyard—something which he had never seen before, and which he hoped would never be seen again. He saw in Portsmouth Yard a new ship, which had never performed any service except that of coming round from the port at which she was built to Portsmouth, where she was to be fitted. She proved so weak and leaky on the passage round that she was ordered to be surveyed, and found to be unsafe to be employed at sea. Her planking was of fir, and of fir of a very bad description, being only fit, as he had been informed, to be used for stageing; and they had to put on teak planking three inches thicker than the original fir planking to give her the requisite strength. In fact, he might almost say the re-building of that new ship, which was thoroughly unseaworthy, formed part of the work of the yard. She was so badly caulked, and the bolts were so badly driven, that it was the opinion at Portsmouth that she must have been put together by labourers, as no shipwrights could have turned such work out of hand. If anything could make the case more unaccountable, if not more reprehensible, it was the fact that that vessel was a Royal yacht, not intended merely for smooth-water service, but for conveying the Prince of Wales and other Members

of the Royal Family to the Baltic, across the Bay of Biscay, or on other voyages for which a thorough sea-going vessel was required. He was not now blaming the Board of Admiralty; he was certain that no members of the Board would have sanctioned such a proceeding as that; but, at the same time, he did not think that such a thing would have been possible under the old system at the Admiralty. Again, he found that of the four tugs belonging to Portsmouth Yard, only two were available for service. One of them had her boilers so worn that they could not be used without risk of scalding the men. The most powerful tug, too, in the yard had been for 10 months with only one boiler fit for use, and had been all that time getting a new boiler fitted. Some time ago a French ship-of-war went ashore off Newhaven, and an order being given for the most powerful tug from Portsmouth to go to her assistance, they were obliged to send that unfortunate vessel with her one boiler, and it was considered quite a joke at Portsmouth when a powerful tug was ordered by the Admiralty on any service. What had been said as to the boilers of the *Minotaur* was quite true. They were meant for a pressure of 25lbs, and they were reduced to a pressure of 12lbs for the sake of safety; and that was the state in which the flagship of the Channel Squadron was to commence the evolutions of the year. When a vessel came in either with her boilers injured by accident, or worn by use, there were no boilers to put into her. A gentleman who wrote in the leading journal had been good enough to notice his visit to Portsmouth, and having heard, he supposed, that he had been inquiring into the condition of the boilers, had observed that it was bad policy to keep a large store of them, as they deteriorated rapidly when exposed to the weather; but it would surely be better to have boilers deteriorate than to have none at all. When the works at Portsmouth, in connection with the old steam basin, were commenced, it was the intention to employ one of the buildings as a boiler-shed, and he hoped that in the next year's Estimates provision would be made for a proper shed for boilers at Portsmouth. In the case of another vessel, the *Royal Sovereign*—a turret-ship—the boilers had

been reduced to a pressure of 10lbs, and he was informed that, in consequence of the state of the trade, there was a difficulty in getting boilers made within a reasonable time either by contract or in the yards. A notice having been posted some time ago at the gate of Portsmouth Dockyard that boiler-makers were wanted, he was told that a wag wrote under the placard in chalk—"You must send to Canada for them." After the treatment that dockyard artificers had received, persons earning good wages from the private trade were not willing to trust their fate again to the mercies of the Board of Admiralty. In the course of his observations, the hon. Member for Warrington (Mr. Rylands) had dwelt largely upon his (Mr. Corry's) sins, one of which, as he alleged, was that he had provided for 18,500 workmen in 1867. The hon. Member said the right hon. Gentleman (Mr. Goschen) was going back to the number employed by the right hon. Member for Tyrone. Now, those men were not his, but his right hon. Friend's (Sir John Pakington's), as the Estimates for 1867-8 were prepared before his appointment to the Admiralty. He did not say this by way of disapproval, for, considering the absolute necessity which existed at the time of building a large number of unarmoured ships, the work could not have been done with a smaller number. When the hon. Member for Warrington talked of these large establishments at the dockyards as though they were owing to a Tory policy, he forgot, or more probably did not know, that they were smaller than those which existed in 1864, when the number of men was 19,500. That was at the time when the present Prime Minister was Chancellor of the Exchequer, and therefore had a right to control the expenditure of the Admiralty. Then it was said that he (Mr. Corry) had reduced 3,200 men. That arose from the necessity, in order to maintain our naval supremacy, of building iron-clads by contract, which the dockyards had not the requisite means of building, and he was obliged to discharge artificers in order to get the money for that purpose. When the hon. Gentleman taunted him with having effected reductions in the number of dockyard men, he appeared to have forgotten the fact that the right hon. Member for Pontefract (Mr. Childers)

Mr. Corry

had reduced many more. The hon. Gentleman had also talked of the badness of the work in the dockyards, and had instanced the case of the *Megara* as a proof of the bad manner in which dockyard work was performed. Now, the *Megara* was a single exception to the ordinary rule, because he had never before heard of any ship being turned out of Her Majesty's dockyards in a state not perfectly seaworthy. No doubt, dockyard work was expensive, but its excellence had never been questioned before. The hon. Member had further said that in the present uncertain state of our knowledge of what was required in naval architecture, no more ships ought to be built. It was quite true that what with torpedoes and vessels to carry 50-ton guns, which we were told we were soon to have, those who had to design iron-clads might well be bewildered; but although the hon. Member might be right with regard to that class of vessels, he was quite wrong with regard to the unarmoured ships, of which there was a dangerous deficiency in the British Navy, and he was glad to see that the First Lord of the Admiralty had increased the tonnage of those ships to be built this year to more than 12,000 tons. He should wish to have from the First Lord of the Admiralty some information as to what description of iron-clads he intended to build this year. Of the two new iron-clads which were to be built, besides the *Fury*, one, they had been told, was to be on the principle of the *Hercules* or the *Sultan*; but he should like to know what the second was to be like. The right hon. Gentleman had stated that if the *Devastation* did not prove a success, the *Fury* would not be proceeded with, but that five gunboats would be built instead; and therefore, seeing that the *Devastation* was not yet completed, he would ask the right hon. Gentleman not to proceed with the *Fury* during the present year under any circumstances, more especially as the *Thunderer*, a vessel of the same class, was also incomplete. In his opinion the right hon. Member for Pontefract had made a mistake in commencing these three vessels of an entirely new description without waiting to see how one turned out before the other two were ordered to be commenced. He wished now to refer to certain statements that had been made with re-

gard to the discharge of dockyard workmen, and to the relative numbers that had been discharged by the late and by the present Government—a subject that appeared to have excited a considerable amount of interest in the minds of the political agitators throughout the country. He had hoped that he had heard the last of this subject in the past Session, but it had been brought prominently forward by the right hon. Gentleman at the head of the Government during the Recess. In addressing his constituents at Blackheath last autumn, the right hon. Gentleman said—

“The facts I mean to communicate to you may cause some astonishment. Now, with regard to dockyard labourers, listen to the figures, for they are worth hearing. The number of dockyard labourers employed on the 1st of January, 1868, was 20,313. On the 1st of December, 1868, which was the day before I received my summons to the presence of Her Majesty at Windsor, the number of 20,313 was reduced to 15,974; the difference showing the reduction since the beginning of the year was 4,339. The number of dockyard labourers we found was 15,974; and the number on the 1st of October last was 14,511. The result of that statement is that the reduction since we came into office was 1,463; the reduction before we came into office was 4,339; so that three-fourths of the whole reduction of which you have heard so much was not our work, but the work of our predecessors.”

He was not at all surprised that the right hon. Gentleman should have thought that that statement was likely to occasion some astonishment, because there was not a dockyard man who heard him who did not know that there was not a single syllable of truth in the whole of that statement. Of course, he did not impute intentional misrepresentation to the right hon. Gentleman in the matter, because he merely uttered the words that were put into his mouth. Without making any assertion on the subject which might be disputed, he would content himself by referring to the dry figures which appeared in the Estimates. Those figures showed that in 1867-8 there were 18,321 dockyard workmen voted, and in 1868-9 there were 15,272, showing a reduction of their number by himself of 3,049; while in 1870-1 there were only 11,276 voted, showing a reduction by the right hon. Member for Pontefract of 3,996 in the two years. He must explain that in the autumn of 1868-9, 2,000 additional men were entered for the remainder of the financial year, under circumstances which he had frequently explained. On his appoint-

ment to the Admiralty in 1867 there was not a single armour-clad complete in the steam reserve. In other words, there was no reserve of ships to fall back on in the event of an emergency. It was unnecessary to point out the extreme danger of such a state of things, and as the Controller reported an anticipated surplus on the Shipbuilding Votes in the month of September, he (Mr. Corry) obtained the sanction of the Treasury to appropriate it to the entry of artificers for six months, chiefly for the purpose of hastening the preparation of an armour-clad reserve. Yet these men so entered for mere temporary service were included among his (Mr. Corry's) reductions by the Prime Minister in his speech to his constituents. They had never formed part of the establishment of the dockyards, and in the words of the right hon. Member for Pontefract, in answer to a question put to him, in 1869—“They were temporarily engaged in the previous October in excess of the number provided for in the Estimates of 1867-8, and they were well aware they would only be employed for a few months.” It had been asserted by an itinerant agitator in Yorkshire that these men had been badly used, as they had been induced to go from Scotland and other parts of the country to work in the dockyards at low wages, with the hope that they would ultimately get a pension; whereas the truth was what he had stated, and that it had been a great boon to them to get wages to enable them to tide over the winter at a time when the shipbuilding trade was nearly stagnant, in consequence of the financial crisis of 1866. The most valuable class of men in the dockyards were the established men, who considered they had a right to serve their full time, and retire on a pension, and on whom, therefore, the Admiralty could depend. Now, though he discharged some of these men—less than 300—the present Government had reduced them by 2,700. The reduction in the number of men, established and hired, was 3,996 in the two first years of the present Government; but afterwards discovering their mistake, they were obliged to take on 1,570 men, who had been on the Estimates ever since, thus making the net reduction effected by them 2,426, instead of 1,468 as asserted at Blackheath. The reductions by the present Government in 1869 and 1870 had been consider-

ably greater than those made by the late Government, and if the late Government had sinned in reducing the number of dockyard men, the present Government had sinned still more; more especially in regard of established men, as contradistinguished from hired men who had no right to expect to be employed longer than the necessities of the service required. The point, indeed, would not have been worth noticing but for the remarks of the right hon. Gentleman at the head of the Government at Blackheath—remarks made for electioneering purposes, which obliged him to show how the matter actually stood. He would only add that he hoped so absurd a proposal as that of the hon. Member for Warrington would not be adopted, for the present number of men, far from being excessive, was inadequate to the work which the Admiralty itself deemed necessary.

MR. CHILDERS said, he also trusted that the hon. Member for Warrington (Mr. Rylands) would not press his Motion; but as the hon. Member had alleged that his right hon. Friend (Mr. Goschen) was pursuing a course of policy opposed to his (Mr. Childers's) own, and that statement had also been made by a great master of fiction the other day in Lancashire, he wished to give an absolute contradiction to that general proposition. It was natural in a large Department like the Admiralty that a First Lord should not in every detail concur with his predecessor; indeed, circumstances altered so quickly, that it was possible that on some points of detail, and even more than detail, he might have to differ from his right hon. Friend. The general principles adopted, however, with regard to the present Estimates were the general principles he had laid down in 1869 and 1870, and the difference between the present Estimates and the original Estimates of 1870-71 was only about £200,000. The difference on the aggregate charge, direct and indirect, for shipbuilding was very much smaller; and inasmuch as in 1870 he had proposed to Parliament to work up to a prospective system that with regard to the whole *matériel* charge, which had consisted of parts of other Votes, and his right hon. Friend had pretty closely adopted what he then proposed, he could not blame him. The average annual amount of shipping to be built was then laid down by him at between 19,500 and 20,000 tons. His right hon. Friend now

proposed something over 20,000 tons slight excess over his (Mr. Childers's) own figure, which was quite justified by the Vote of Credit taken in 1870, the effect of which had hardly yet ceased. It had been said that a much larger number of men was now proposed than in 1870; but it should be remembered that in August, 1870, he proposed a considerable increase for a specific purpose, which was not yet exhausted. When, indeed, the normal state of things had come back, it would be right and necessary to make a reduction on the per cent numbers. The reduction which he adopted—one man by professional officers after long and careful inquiries, but for which he was fully responsible—was that the number of men required to build 16,000 tons of shipping, and provide for repairs and miscellaneous services, was from 11,500 to 11,500. He was disposed to think that this calculation would, for a few years, be insufficient to the extent of 300 or 400 men; but it was better to have been inaccurate to that extent than to have continued the system of numbers fluctuating from year to year without regard to any general rule. On the subject of the numbers in the dockyard he had expected his right hon. Friend opposite (Mr. Corry) to go into figures to-night, he should have come down with statistics, so as to answer him in detail, which he could only now do from memory. His right hon. Friend had ingeniously put the case as if the complaint of discharges from the dockyard had been originated by him or his right hon. Friend (Mr. Gladstone); but nothing could be more inaccurate. On the contrary, at the General Election of 1868 nobody on his side of the House—certainly, nobody who had held office—complained of the discharge of between 4,000 and 5,000 men by his right hon. Friend attempted to make capital out of it. He soon, however, as the present Government acceded to office—before a single man had been discharged—a cry was got up by the right hon. Friend's political friends about the cruelty of discharging dockyard men. That made it necessary to see what the extent of discharges and the reasons for them had been. What were the facts? What (Mr. Childers) objected to in that House in 1868, and ever since, was not the discharge of men who were in excess of the requirements of the public service.

Mr. Corry

but the absolute want of a policy in the matter which, in a time of absolute peace, led to the employment of 2,000 more men than the Estimates allowed in February, and 5,000 less in the following June. What had been called cruelty to the persons employed arose from a want of foresight with regard to the requirements of the service. It had arisen solely from the peculiar policy in connection with the dockyards which had been pursued by his right hon. Friend and by the right hon. Baronet who had preceded him (Sir John Pakington). What was that policy? His right hon. Friend had described very accurately what was done at the end of the year 1867, when he applied to the Treasury for leave to employ, out of certain savings, an additional number of men in the dockyards, running the number up to somewhere about 2,000 beyond the Estimates. But that application to the Treasury was made without any foresight whatever, and without any regard to the principle on which the establishment should be managed, and it was that very want of foresight and absence of definite principle that led to all the difficulties that followed. His right hon. Friend talked of this increase being met by savings on the year's Estimates; but it turned out that his calculations were wrong by something between £300,000 and £400,000; and that very increase in the number of men during the last three or four months of the financial year was one of the causes of that excess.

MR. CORRY said, the cause was that the Government to which the right hon. Gentleman himself belonged had left the ships of the China station in such a rotten and unsound state that the admiral on the station, on his own responsibility, spent some £50,000 to fit them for service, without the knowledge or the sanction of the Admiralty, and, in consequence of this, their calculations were completely deranged.

MR. CHILDERS said, this could hardly justify a miscalculation 18 months afterwards; but however that might be, up to the very day when Parliament was meeting in 1868, his right hon. Friend was increasing the number of men in the dockyards, and though the Estimates were laid on the Table when Parliament met, copies of them could not be procured for something like three weeks afterwards. He did not

know what change took place in that time, but it was certain that whereas up to the very beginning of February the establishments were being increased, yet, when the Estimates were produced, they showed not only that the additional men employed were to be employed no longer, but that there was to be a further reduction of 3,000 men, making a total reduction of no less than 4,600 men. His right hon. Friend had said that he (Mr. Childers) for two years reduced the number of men; but during those two years the reduction was a steady reduction, until the Franco-German War broke out in 1870. It had always been a principle of the present Government that, while the dockyards should be reduced, still, when such an event as that occurred, the Admiralty should be at liberty to increase their establishment and carry out special works. When that war broke out, Parliament was asked for a Vote of Credit for £2,000,000, and £500,000 of that sum was employed by the Admiralty, who took on a certain number of men, and in the Estimates for the following year the same number of men were continued in employment. He (Mr. Childers) had never charged the late Government with discharging men, for he maintained that the dockyards were made for the country, and that if it were necessary for the public service that they should be reduced, they ought to be reduced; but he had always laid it down—and he hoped the House would always act upon that policy—that those reductions should be made in conformity with the interests of the public service—that they should not be made in a haphazard manner, but that they should be explained to, and approved of by Parliament. His right hon. Friend had next referred to the *Osborne*, built at Pembroke, as having been at Portsmouth in a state not creditable to the Department, in consequence of wood of an inferior kind having been put in her, and in consequence of her scantling having been too light, and the right hon. Gentleman had said that such a thing could not have happened under the system in force in his time. But he (Mr. Childers) had been allowed to see the papers on the subject up to the time of his leaving office, and it turned out that the orders relating to the *Osborne* were given by his right hon. Friend himself. The right hon. Gentleman had approved of the material to be employed in the fullest detail, and

had recommended that she should be built as light as possible. No change whatever was ordered by the present Government, except that the *Osborne* should be proceeded with slowly, there being several iron-clads of more importance to be proceeded with first. Coming to the general question He admitted that there was considerable force in some of the observations of the hon. Member for Warrington as to the relative value of dockyard business to contract work; but he hoped the Motion now before the House would not be pressed to a division, and if it were so pressed he should vote against it. With regard to the value of our dockyard establishments, the view he took was very similar to that of the First Lord of the Admiralty. He should greatly deplore undue reduction of our dockyards, or the abandonment of the system of establishment; and great care should be taken to keep up a proper proportion between the men who were on the establishment and the men who were not on the establishment, but who were hired in the ordinary way. There was an extraordinary misunderstanding in the House on the subject of the conditions on which men were engaged. It was stated that all the skilled artificers in the factories and dockyards were on the establishment; but there could not be a greater delusion, for the great body of the factory men and workers in iron were not on the establishment at all, but were engaged in the usual way. He would repeat that the proper proportion between the established and unestablished men should be watched very narrowly, keeping the dockyards as nearly as possible at the same level, but always retaining power to increase them when an emergency arose. In conclusion, he would say that his right hon. Friend, when he opened the Estimates, did not, in his opinion, state with sufficient fulness the great advantages to be derived from going to private yards; but to-night he had done so with perfect accuracy, and he hoped, under all circumstances, that that policy would be approved by Parliament.

LORD HENRY LENNOX said, he did not wish to interfere with the proceedings of the evening, or to delay in any respect the taking of the necessary Vote; there were, however, a few remarks which he felt called upon to make.

Mr. Childers

With regard to the Motion of the hon. Member for Warrington (Mr. Rylands), if pressed to a division he would vote against it. He did not think there were more than half-a-dozen Members out of all in the House who, if they had merely read the Motion as it stood on the Paper, would have voted for it. But after the speech of the hon. Member, that half-dozen would probably have dwindled down to half that number. The hon. Gentleman was supposed to be a great authority on foreign affairs, and certainly, if his speech to-night was to be taken as a specimen of his naval criticism, the hon. Member would do well to confine himself to our foreign relations for the future. The hon. Member had criticized most unjustly what had fallen from the First Lord of the Admiralty as to our keeping the police of the seas, and asked why it was that it should devolve on us alone to discharge that office. But if the hon. Member paid that attention to our foreign relations which we were told he did, he ought to have known that during the prevalence of Chinese piracy we had constantly received active co-operation from the Navy of France in putting it down. The hon. Gentleman had represented him in a chameleon-like view, for he said—“When the noble Lord is in office he alarms the House by comparing our Navy with that of the French; but when he is in Opposition he is the first to condemn the First Lord of the Admiralty for doing so.” But if the hon. Member had read his speech in 1867, when it fell to his lot to move the Estimates, he would have seen that he acted in a very different way, for he stated then that it was with pain and grief that he listened to such comparisons; that they could do no possible good, and could only tend to create misunderstanding and embitter our relations with our neighbours. The hon. Member had fallen foul of his right hon. Friend the Member for Tyrone (Mr. Corry), of the right hon. Gentleman the Member for Pontefract (Mr. Childers), and of the present First Lord of the Admiralty, for holding the extreme advisability of keeping in our dockyards a good reserve of workmen. He (Lord Henry Lennox) must himself advert to the speech of the right hon. Member for Pontefract, in order to show that that right hon. Gentleman had said that

when he made reductions in the dockyards he did so upon a distinct principle, and that according to that principle 11,300 was the proper number of dockyard men for the year, and he added that that result was arrived at after due calculation. He (Lord Henry Lennox), however, fancied he had seen in certain documents which had been laid on the Table that one of the officers in a high post in the Admiralty at the time did consistently protest against the reduction made by the right hon. Gentleman. It was, in fact, only one of what he might call "those spasmodical reductions" which the right hon. Member had that night himself condemned. The Estimates of the right hon. Gentleman had been laid on the Table at the usual time; but, owing to a very important and much-contested Bill, the Estimates that Session were not finally passed until a very late period. Before, therefore, those very economical Estimates that reduced the number of men were passed the right hon. Gentleman the Member for Pontefract had to come down himself and ask for an increase of men to carry out the work that was necessary in consequence of the breaking out of the war between France and Germany. But did the right hon. Gentleman find it easy to replace in the dockyards the men that had been discharged? Not at all. The right hon. Gentleman would bear him out when he said—and if the right hon. Gentleman did not remember he had only to appeal to the archives of the Admiralty, which now, as when he was in office, he found ready access to—that though the men were voted in July, the full number could not be had until the November following, so that we were during the interval working with fewer men than were required. [Mr. CHILDERS dissented.] The right hon. Gentleman shook his head; but he thought he could convince the right hon. Gentleman by reference to documents which he would find it impossible to dispute. His right hon. Friend the Member for Tyrone had asked what description of iron-clads we were going to have. The other night, when he himself asked the same question, the First Lord of the Admiralty said that when the Vote came on, he would be prepared to give an accurate description of them. He (Lord Henry Lennox) hoped we should have that description to-night, and that we should

be told what their size would be, what was their projected armour, what their displacement, the kind of ordnance to be carried on board, and other particulars. There was another point to which he called attention when the First Lord of the Admiralty made his opening statement, and that was as to the difficulty of estimating beforehand the amount of work that could be done in the dockyards, owing to its varying nature and peculiarity. On referring to the Estimates for 1871-2, he found that the iron-clad rams, the *Cyclops*, *Hecate*, *Hydra*, and *Gorgon*, were put down in the Appendix as requiring only 20 tons each to be worked into them; but in the Estimates of 1872-3 he found three of these old friends requiring, not 20, but 100 tons each, to be worked in our dockyards. Why, when 20 tons were thought enough in 1871-2, were 100 tons needed in 1872-3? Could the right hon. Gentleman, looking at the number of men he had to do the work to the amount of work done last year and the year before, confidently say that 16,700 tons was likely to be completed this year? Of that programme of 16,700, as he made out, 10,000 tons went in ships already ordered, and 500 tons were for the torpedo vessel, about which he should have something more to say. There remained, therefore, according to that statement, some 6,000 tons to be worked up in new ships in the coming year. Would anyone, looking to the class of ships all these were to be, tell him that they could be advanced in a more than infinitesimal degree, if the programme of the right hon. Gentleman were carried out? These ships were two iron-clad frigates, the tonnage of which was given by the right hon. Gentleman as 2,679; two corvettes, one of the *Blanche* class, and four sloops, about which he should like to have some information. The 6,000 tons were to be spread over that amount of shipping. He would like that the right hon. Gentleman should state how he meant to apportion the 6,000 tons, which, according to his own showing, was to be done? He also wished to know whether the right hon. Gentleman seriously intended to include in his programme of works the repairs and refitting of the *Cruiser*? Some years ago that vessel had been mentioned before a Committee of that House as a proof of wanton extravagance in the Admiralty Departments,

and it had also been stated that her repairs and refittings had already caused an expenditure three times the amount of her original cost. She was a vessel of 60-horse power, and in her best days could only run $6\frac{1}{2}$ knots an hour, and in 1867 he (Lord Henry Lennox) spoke of her as one of those vessels which could "neither fight nor cut and run away." At a time when there was so much work to be done in the dockyards, he must ask whether it would be judicious to employ men upon a vessel of that class and type? He should have something further to say upon a later Vote, with regard to the proposal founded upon the recommendation of the right hon. Member for Pontefract to add 20,000 tons of shipping every year to the Navy. The programme in that respect was illusory, and the additional fleet was merely upon paper, as would be seen when Vote 10, section 2, was considered. It had been said by the right hon. Gentleman that the Opposition ought to bear the responsibility of any deficiency in the Royal yacht *Osborne*; but that was absolutely a mistake, for not a plank had been laid, nor a bolt driven in her when his right hon. Friend (Mr. Corry) went out. That was evident from a statement made in 1869 by the right hon. Gentleman the Member for Pontefract, who said that the building of the *Osborne* had been postponed in consequence of the expenditure for repairing the other Royal yachts. There ought not to be any party opposition in matters affecting the welfare of the naval service; but those who sat on that side of the House had a difficult task to perform, because they had to give quotations from memory, while the right hon. Gentleman the Member for Pontefract was allowed by the First Lord of the Admiralty to see private confidential documents. Notwithstanding these facilities, however, the right hon. Gentleman had not been able to discover anything which redounded to the discredit of the administration of his right hon. Friend the present First Lord. In conclusion, he would say that nothing was more painful to his right hon. Friend the Member for Tyrone than to draw comparisons between himself and his successors; and last year his right hon. Friend distinctly deprecated any such discussions, saying that so long as the Admiralty provided good ships, he would support it.

SIR JAMES ELPHINSTONE said,
Lord Henry Lennox

he must congratulate the right hon. Gentleman the First Lord of the Admiralty on something like an approach to what formed the old naval policy of the country. He also agreed with the right hon. Gentleman that though we must look to private shipbuilding yards in cases of necessity, the work there and in the dockyards was as different as possible. They could not carry on the business of a Government like the business of a private concern—a Government being subject to political contingencies, from which private firms were wholly exempt, and therefore they were bound to employ a large permanent staff in the dockyards, a course of policy he had always advocated. The right hon. Member for Pontefract (Mr. Childers) had gone into a long discussion with respect to the controversy between himself and the right hon. Member for Tyrone (Mr. Corry), as to who had discharged the dockyard labourers. All he (Sir James Elphinstone) could say was that when he was returned for Portsmouth in 1869, he found wandering about the streets hundreds of the very best of our artificers, and he then said he considered it a gross cruelty to turn such men adrift at such short warning, and thereby reduce the strength of our establishment, which had been carefully adapted to the exigencies of our times, and had been controlled and moulded by our best politicians. Now, after the discharge of these men there was a great want of dockyard artificers, and he could not see the economy of the measures which had been taken, for the right hon. Gentleman had discharged men whose pay was £33,000 a-year, involving £12,000 of pensions and £2,000 of gratuities, and men had to be taken on at an expense of £35,000. Our staff of artificers had been broken up, their homes had been destroyed, and since then we had been endeavouring to supply their places, but had succeeded in doing so most imperfectly. Then, again, with regard to boilers, a disgraceful state of affairs existed, and he believed it could not be contradicted that boiler-makers could not be found to supply the boilers wanted for the service. In consequence of that deficiency, the boilers of the *Minotaur* had been reduced from a pressure of 24 lb to 12 lb to the square inch, and he doubted whether with that power the vessel could draw off a lee shore in a strong wind and

heavy sea. He should like to hear what progress the boilers had made, and whether it used not to be the practice to have a pair of spare boilers for each ship. Suppose we now had "a scare," the fact was, that we were now two years behind in the whole of our work, and at our present rate of production it should take that period to make up leeway and get our Navy into proper condition. The Government were fond of the *tu quoque* argument, and the First Lord recently twitted Lord Clarence Paget with having signed the Order restricting officers in the use of coal. Lord Clarence, however, was then Secretary to the Admiralty, and he imagined, had no more to do with framing the Order than the Gentlemen at the Table had to do with the debates of that House. It was thus that dust was thrown in the eyes of the public. Because a vessel on being pulled to pieces was found to have its bolts driven foul—a fault which indicated that unskilled labourers were employed—his right hon. Friend (Mr. Corry) was told that he ordered it to be built rapidly, as if it followed that there should be bad timber or that the bolts should be driven foul. But whenever a charge was made against the Government, it seemed to be answered by two hon. Members; and as regarded the explanation which the right hon. Gentleman (Mr. Childers) had given as to the *Osborne*, he (Sir James Elphinstone) hoped the Papers would be laid upon the Table; because it was very desirable to know where the responsibility of one Government ended and that of another began. It was all very well for the First Lord of the Admiralty to raise a discussion as to the relative responsibility of persons at the Admiralty; but he (Sir James Elphinstone) did not wish to see dust thrown in the eyes of the public in that way. He concurred with his hon. Friend (Mr. G. Bentinck) as to the reckless destruction of wooden line-of-battle ships, most of them comparatively new. Now, an iron-clad, if pierced by a heavy gun, would have to go into harbour, for such a hole could not be repaired at sea, so that whatever Power could send out the most gunboats and pierce the iron-clads would have the advantage. The second line of defence—wooden ships—would then have to be fallen back on, and Admiral Farragut had expressed an opinion that our re-

serve of fine wooden vessels should not be parted with; yet that had been done for the sake of petty economy. In the dockyards, too, there were now no corvettes or reliefs, and the foolish system was pursued of keeping ships out in hot climates and sending out crews to relieve them. Thus two sets of men had to be kept, and sometimes after all a ship had to be sent home. Last year the *Bulfinch* was sent up the Persian Gulf, and he inspected that vessel at Bombay in January, 1871, and found the thermometer on the main deck at 82 degrees. It amounted to manslaughter to send such vessels on duty in hot climates; there ought to be a particular class of ships for that purpose, as was the case under the rule of the East India Company. Again, to send out flying squadrons with directions to be at particular places at particular times, regardless of climate, winds, and currents, led to ships being knocked to pieces, and to a great loss of life by pulmonary complaints. He preferred the old plan of independent commands at foreign stations, for the manner in which young officers had dealt with difficult international questions which arose—as had been the case in China and the Polynesian Islands—was highly creditable, although he feared they were sometimes snubbed, instead of encouraged. He wished to take the opportunity upon that Vote of making reparation to Mr. Austin, whom, in the discussions last year on the sale of the dockyards in the river, he mentioned in a manner which he now regretted. He spoke on the faith of information on which he relied, but having since found that he was entirely mistaken, he begged Mr. Austin's pardon. At the same time, his opinion on the improvidence of the transaction remained unaltered. In conclusion, he must say he regretted that of the 16,000 tons of shipping to be built this year, only 5,000 were to be applied to small ships, in which we were lamentably deficient.

MR. SHAW - LEFEVRE said, he thought it unnecessary, particularly after the figures quoted by the right hon. Member for Pontefract (Mr. Childers), to notice at any length the observations of the right hon. Gentleman the Member for Tyrone (Mr. Corry) in reference to the discharge of dockyard men. It was true that the number of men voted for the establishment in the time of the right

hon. Gentleman the Member for Tyrone was only 18,000, but the right hon. Gentleman engaged a number of men in excess, and the number discharged within a few months was 4,508. It was that proceeding which was described by the right hon. Member for Pontefract as a real grievance for the dockyard men. The right hon. Member for Tyrone also addressed himself to the matter of the *Osborne*, with respect to which vessel a grave mistake was made in building it with light fir instead of with teak, but that was due to the orders of the right hon. Gentleman opposite. There had been, in connection with that vessel, some bad workmanship, which the right hon. Member for Tyrone attributed to the right hon. Member for Pontefract; but the latter right hon. Gentleman was able to show that all the orders for preparing the vessel emanated from the right hon. Member for Tyrone himself. The latter right hon. Gentleman had addressed himself to the subject of boilers. In the Navy Estimates of last year £90,000 were taken for boilers to be made by contract, and a sum of £30,000 was taken for the same purpose in the Estimates of the present year. Boilers had already been prepared for the *Royal Oak*, and for a considerable number of other larger vessels. They had been ordered for the *Minotaur*, but it was not a prudent course to provide a reserve of boilers for all existing vessels. The proper mode of proceeding was to order boilers just about the time when a vessel was likely to want them, because the boilers, if kept long, were liable to become deteriorated. With regard to iron-clads, he was in a position to state that it was intended to commence one at Chatham, and to complete 1,500 tons of her this year; and another at Portsmouth, of which 400 tons only would be completed. The vessel of that class intended to be built at Chatham would be an improved *Sultan*, she would be somewhat larger than the *Sultan*; and the hull would be protected by 11 inches of armour, whereas the *Sultan* had no more than nine inches. The guns would also be heavier, being 18-ton guns, and the engines would be so constructed as to lead to economy in the consumption of fuel, while giving a speed at the measured mile of 14 knots. As to the character of the iron-clad at Portsmouth, no decision had yet been arrived at, nor would be

Mr. Shaw-Lefevre

until it was absolutely necessary; for the science of shipbuilding was still so incomplete that it was always desirable to avoid committing themselves to any particular type of vessel until the last moment. With regard to the *Fury*, it was intended to proceed to complete that vessel as soon as possible; it being necessary to make allowance for the consideration he had referred to, she would not be completely finished until the *Devastation* was tried. It was hoped the *Devastation* would be tried this autumn, and it was still thought she would be; but there had been some delay in furnishing the armour-plates, and therefore she could not be completed so soon as intended. It was therefore only intended to build 500 tons of the *Fury* this year. The result was that it was intended to build 16,741 tons of vessels this year; of this, 9,028 tons were represented by vessels already commenced, the whole of which, except the *Fury*, it was intended to complete within the year; and that left 7,713 tons of new vessels to be laid down and advanced. Of this amount of tonnage, as he had before observed, 1,500 tons were of the iron-clad laid down at Chatham, 400 tons were at Portsmouth, and 500 tons were represented by the *Fury*. There were corvettes, of which it was proposed to build 1,277 tons within the year; there was a new corvette at Devonport which it was proposed to advance 730 tons; there were two new sloops at Pembroke, of which it was proposed to complete 850 tons; and there were two new ones at Chatham which it was proposed to advance 1,027 tons. The amount of tonnage in new vessels would be 7,713 tons, to be completed within the year; and at the commencement of next year, with the exception of the iron-clads already mentioned, the course would be tolerably free for the laying down of new vessels. As to the *Cruiser*, it was the opinion of the Admiralty that she was not suitable for an ordinary war vessel. The Admiralty had recognized a great want of sailing vessels for training purposes, and they proposed that the *Cruiser* should be fitted out simply as a sailing vessel, to be attached to the Mediterranean Squadron, and used for the training of seamen and young officers. For this purpose the engines would be taken out of her, and the necessary alterations would not involve any great expense.

SIR JOHN PAKINGTON said, that the statement made with regard to the *Osborne* was one of the most extraordinary he had ever heard; it was of a most discreditable character, and it was necessary some further explanation should be given. They who sat upon that side of the House were under a disadvantage in dealing with naval subjects, because no sooner did they turn to the First Lord for an explanation and obtain it than they had to go over the same thing again with the former First Lord of the Admiralty, who was in office when the matter occurred. He understood that to-night there had been a good deal of the *tu quoque*—"It was not we who did it; it was you." He thought that there could be no more unimportant question for the public than which First Lord it was that did it; the important question was, whether it had been done; whether there had been gross abuse and negligence in the dockyards, for they should all aim at having good management in the dockyards. If he were rightly informed in regard to the *Osborne*, it was a shameful case, discreditable to the administration of the dockyards, and the House had a right to look to those now in office for an assurance that such a case should not occur again. As there had been such an undue tendency to say "it was done by the other side," he would refer to a speech of the right hon. Gentleman the Member for Pontefract, in 1869, in which he said—

"There will be no unarmoured ships in hand at the end of the financial year, except a small gun-vessel at Chatham, and the *Osborne*, which was to have been built in the course of 1869-70; but the building of which has been postponed in consequence of the expenditure incurred in the repair of the *Victoria and Albert*."—[3 *Hansard*, xciv. 895.]

The inference he drew from those words was that the superintendence of the building of this vessel was in the hands of the present Government; but whether that were so or not, speaking as a bystander and as one of the public, he would ask—Was it true that this vessel was built of bad material, and that when surveyed at Portsmouth as a new vessel she was so utterly worthless that she had to be almost built again? Were those facts? If so, whoever was responsible, they constituted a right to urge on the First Lord that there had been gross neglect and mismanagement. Bad

materials had been put into a new vessel, and the public had been involved in very great and wholly unnecessary expense. He did not blame the right hon. Gentleman opposite (Mr. Goschen), who of all First Lords had had least to do with it; but in the position he now held he had a great responsibility; and they ought to have from him an assurance that care would be taken that such clumsy workmanship should not be again passed. With regard to the *Fury*, an assurance had been given that the expenditure upon her should be limited. On Friday last it was his fortune to go over the *Devastation*, and such an extraordinary mass of machinery was never looked at by the eyes of humanity. She might be a ship, but she did not look like one; she might go to sea, but she did not look as if she ever could, or as if she was ever intended to go to sea. So extraordinary a structure he never looked at. He spoke under correction, but he believed the result of this first experiment in the *Devastation* produced on the Committee which sat upon the subject a feeling on their part that we had better be cautious about the *Fury*. As he had before observed, the right hon. Gentleman said there was to be a very limited expenditure on the *Fury*; but he would ask why there need be any expenditure at all. It appeared to him that the Government ought to be very cautious in regard to proceeding with any vessel like the *Devastation*, and that it would be better to suspend all the intended expenditure on the *Fury* until they knew a little more about the success which might attend the experiment of the *Devastation*. Although he did not think the right hon. Gentleman opposite was so much carried away as his Predecessor by a desire to economize, yet there were several recent cases, something akin to that of the *Osborne*, which tended to bring anything like fair and legitimate economy as regarded naval affairs into ridicule. He would now make a few remarks on what had fallen from the right hon. Gentleman respecting an iron-clad ship which the Admiralty were going to build, and which was to be an improved *Sultan*. A few days ago he saw the *Sultan*, and a noble ship she undoubtedly was; but the proposed improvement of the *Sultan* raised the very important question—Who is responsible for the construction of the Navy? Lately,

Mr. Reed, a gentleman of great ability, held the responsible office of Chief Constructor of the Navy; but he was no longer at the Admiralty, in consequence of some unfortunate misunderstanding during the administration of the right hon. Gentleman the Member for Pontefract. [Mr. CHILDERS: There was no misunderstanding.] There might have been no misunderstanding; but, at all events, Mr. Reed had left the Admiralty, and at the present moment their Navy was in a most unsatisfactory position as regarded the construction of iron-clad men-of-war. As a gallant Admiral had pointed out in a recently-published pamphlet, a struggle was going on between the gun on the one hand, and the ship on the other, and it was difficult to foresee what would be the ultimate result; but, at all events, the result at that moment of the various experiments which had been tried during the last few years with regard to their iron-clad men-of-war showed that, while we had incurred a gigantic expenditure — of which, however, he did not complain—the great question of the principles on which our iron-clads ought to be constructed remained a matter of great difficulty and doubt. He was not speaking in any party spirit or spirit of complaint, but from a feeling of anxiety respecting one of the most important questions affecting the power and interest of this country, which was still standing in a most unsatisfactory and unsettled position. They had, at least, a right to know who was responsible for the administration of this important branch of our naval department—who was responsible for the construction of our ships, and who was to determine whether the ship about to be built would really be an improved *Sultan*. In conclusion, he earnestly appealed to the right hon. Gentleman to inform the Committee who was to succeed Mr. Reed as the head of the constructive branch of the service.

Mr. LAIRD said, he also concurred with the right hon. Baronet who had just spoken as to the desirableness of knowing who was to be the responsible party for the constructive department of the Navy. He also wished to ascertain from the First Lord of the Admiralty whether the *Osborne*, was defective in design or in workmanship. If she were defective in design, perhaps the

right hon. Gentleman would state who designed her; and if her construction was faulty, who was to blame for that?

Mr. GOSCHEN said, the right hon. Baronet the Member for Droitwich had complained that his right hon. Friend the Member for Pontefract had answered a question with regard to the *Osborne*, and had stated that some inconvenience arose from the fact that there were two right hon. Gentlemen on the Government side of the House who had filled the post of First Lord of the Admiralty. But precisely the same inconvenience arose with regard to the opposite side of the House, because when he (Mr. Goschen) had disposed of the right hon. Member for Tyrone he had to deal with the right hon. Baronet the Member for Droitwich. The question respecting the *Osborne* had been pointedly put by the hon. Member for Birkenhead (Mr. Laird), who asked whether the vessel was defective in design or in workmanship. Now, there could be no doubt the original mistake made in the *Osborne* was that the outer skin was of too soft a material—namely, fir. That mistake was committed by those who were responsible for the design and the specification of the ship, and it was stated that this was done during the tenure of office of the right hon. Gentleman opposite (Mr. Corry). The inner skin was of hard wood, while the outer skin was of soft wood, and in driving in the bolts which passed through the soft to the hard material, a larger hole was made in the former than ought to have been the case, and leaks then occurred through that process. If, however, there had been more careful workmanship this might have been avoided; and although it was a mistake to have soft material, yet blame was attributable to the Pembroke Dockyard in reference to the work on this ship. Of all the cases which had come into notice during his tenure of office, that was the one he most regretted as regarded the management of a dockyard. He quite concurred with the remark of the right hon. Gentleman the Member for Tyrone, that however costly the work of the Admiralty might be, it was well done as a general rule. He trusted, therefore, neither the Committee nor the country would regard that as a fair specimen of dockyard work. This matter, however, he might remark, had nothing whatever to do with economy.

Sir John Pakington

As regarded the *Fury*, the right hon. Baronet the Member for Droitwich asked the Admiralty not to proceed with her, because he had no confidence in the *Devastation*. If the right hon. Gentleman would read the Report of the Committee of Designs, he would find that they recommended the *Devastation* as the type of the fighting ship of the future, and also that they warned the Government against proceeding at once with the *Fury*. The main question raised with regard to the *Devastation* was, whether the fore-castle was high enough, and it was pointed out that in case this question was answered in the negative, a similar defect could easily be avoided in completing the *Fury*. Therefore, nothing would be done with the *Fury* which could cause any difficulty in changing the design in case it was found desirable to do so. The Admiralty was not proceeding in the dark with regard to this question. The designs had been examined by naval officers of the highest experience, as well as by eminent scientific men, who reported, perhaps, more strongly than the Admiralty altogether approved on ships of the *Devastation* class; in fact, it was already determined not to build any more ships of the *Sultan* and *Hercules* class. He did not know whether the right hon. Gentleman wished him to name the particular individual who was responsible for the design of the improved *Sultan*, but he would describe to the Committee the precise way in which the design was arrived at. The scientific gentlemen in the Constructor's department prepared the plans, and the Committee of Designs paid a very high compliment in their Report to Mr. Barnaby, and the gentlemen who assisted him. The designs had also been submitted to naval officers who were perfectly conversant with the construction of the *Sultan*, and were able to make suggestions for the improvement of the model on which she was built. The main difference between the *Sultan* and the improved vessel was, that in the latter the armour-plating would be thicker, and her bow-fire would consist of four 18-ton guns instead of two guns of 12 tons each.

SIR JOHN PAKINGTON said, he did not intend for a moment to depreciate the ability of Mr. Barnaby, or of the gentlemen associated with him; but what the right hon. Gentleman had

stated did not alter his opinion that at the present time the state of the Construction department at the Admiralty was far from being satisfactory.

MR. GOSCHEN said, he ought to have added to what he had just said that the re-construction of the Construction and the Control departments of the Admiralty, had for the last six or nine months been a subject of anxiety at the Admiralty. It had been found impossible to deal with the subject pending certain inquiries which were still proceeding, and which affected the Admiralty to a certain extent. With regard to the appointment of a new Constructor, he did not think it would be well to proceed with that until he had had a brief opportunity of consulting whoever might be hereafter appointed Controller, as to the best arrangements to be made for the future.

MR. SCOURFIELD wished to know clearly who was responsible for the fact that in building the *Osborne* fir was used instead of teak?

MR. GOSCHEN said, the suggestion was made to the Admiralty by the dock-yard officials, and adopted.

MR. LIDDELL, in reference to the right hon. Gentleman's statement as to the *Sultan*, said, he wished to ask in the name of common sense, whether it was wise to build such vessels, according to the idea of a sailing ship, or, whether they ought not rather to build such vessels without any reference to their sailing power, but merely with regard to their being guided by steam, and upon which they would be able to put as much armour as would be necessary? Authorities on the matter, who saw her, considered she was unsafe to send to sea under sail. He wished to know how long the present competition between gun and iron was to continue? Iron ships were constructed to resist artillery, and then a gun was invented to sink the ship, and he asked in the cause of economy whether the time had not come for stopping the competition?—that they should not build ships for carrying these enormous masses of iron solely, but for the purpose of fighting our battles—ships easily armed and capable of resisting, if possible, the artillery of the day, but at all events they should not build sailing ships that were not seaworthy.

MR. GOSCHEN said, the question had been carefully considered both by

the Admiralty, and the Committee of Designs, and the conclusion arrived at was that it was impossible to tell where the services of fighting ships would be required, it would not be wise to rely upon steam vessels which could only carry a limited quantity of fuel, and were thus confined to the range of their coaling depôts.

SIR JOHN HAY said, he agreed with the right hon. Gentleman (Mr. Goschen) as to the undesirability of discarding sailing ships of war, and wished to urge further the importance of not building fighting ships with too low freeboards. His hon. Friend the Member for South Northumberland not only advocated the necessity of doing away with masts altogether, but of adopting a low freeboard and heavy armour. But experience had shown that such ships were in danger in heavy seas, and the occasional advantage which they would possess when opposed to an enemy would scarcely compensate for the continual disadvantages to which they would be exposed. He had taken occasion at an earlier period of the Session to allude to our wooden iron-clads. At that time it was intended to repair the *Prince Consort*, but since then that intention, as he understood, had been abandoned, and as others might be in the same faulty condition, it might perhaps be as well that the right hon. Gentleman should give some information about the state of the remaining vessels which went to swell the apparent number of our iron-clad fleet. With regard to the *Devastation*, the *Thunderer*, and the *Fury*, he thought the right hon. Gentleman had scarcely carried the Committee with him as to the advisability of building the three vessels at once. The design had not as yet been tried either in the case of the *Devastation* or the *Thunderer*, and, therefore, it might perhaps be as well to delay the expenditure on the *Fury* till it was seen what kind of vessels the two former turned out to be. It also appeared that the plan to be adopted with regard to the *Cyclops* was to be pursued in the case of two other ships of the same class.

Mr. SHAW - LEFEVRE explained that though the Estimates were framed to include the two other vessels, it was only intended at present to proceed with the *Cyclops*, and that the question with regard to the other two vessels remained undetermined.

Mr. Goschen

SIR JOHN HAY said, he could not regard the hon. Gentleman's explanation as thoroughly satisfactory. It had been stated that shortly before the Conservative Government left office his right hon. Friend near him (Mr. Corry) had some correspondence with Pembroke Yard with respect to the construction of a light vessel for a Royal yacht. But the vessel was not begun, and when the right hon. Gentleman the Member for Pontefract came into office, he postponed the building of the vessel. When, therefore, it was determined to construct the vessel, the designs, which had never received the approval of the Chief Controller of the Navy or the Chief Constructor, ought to have been revised. He trusted that the matter would receive careful consideration.

Mr. CHILDERS said, that when he took office he found that the *Osborne* had been commenced on details absolutely approved of by his predecessors. Her progress was delayed for some time, and when it was re-commenced, it was carried out on the instructions given by his right hon. Friend opposite.

SIR JOHN HAY said, he was not aware that any instructions were given, or that the *Osborne* had been commenced. The matter was earnestly and carefully considered.

Mr. CHILDERS said, he could only repeat that the most precise instructions were given by his predecessors, and he had not altered them. The question of good workmanship was quite distinct.

Mr. CORRY said, there could be no objection to the use of fir, provided the proper quality was used.

Mr. GOSCHEN, in reply to the remarks of the hon. and gallant Baronet (Sir John Hay), said, that with regard to the *Osborne*, it was distinctly asserted by those competent to determine upon the matter, not that the fir used in the construction of the ship was bad, but that it was a mistake to employ such a soft wood as fir at all. With regard to the *Thunderer* and the *Fury*, only 386 tons of the former vessel remained to be completed at Pembroke, and the work which it was proposed to execute on the *Fury* would embrace no controverted point of naval architecture. He was informed that the work to be done upon her during the next month or two would enable her to be turned into any kind of

iron-clad; and he might also take that opportunity of informing them that it was not proposed to repair the *Prince Consort* this year. The right hon. Gentleman the Member for Tyrone laid down six of the *Audacious* class, which had gone a long way to replace the wooden ships, and now it was proposed to build two iron-clads besides the *Fury*; and concurring in what had been stated—that it would be unwise to proceed further with iron-clads until they had obtained further information, the subject had been under the consideration of the Board.

LORD HENRY SCOTT asked the First Lord of the Admiralty, whether, in the face of the fact that a 50-ton iron gun could be manufactured which could pierce any iron-clad ship afloat, he was prepared to go on with the construction of iron-clad vessels?

MR. GOSCHEN said, that 50-ton guns had not yet been constructed, nor a ship that could carry them; in fact, it was a problem of difficult solution. Our ships were mainly designed to fight others, and we should not be justified in altogether refusing to build iron-clads which were strong enough to meet all the existing iron-clads of other Powers, simply because there was a possibility of a 50-ton gun being hereafter invented, and ships built to carry them. Experiments, however, would be instituted by the Admiralty to elucidate the question raised by Admirals Elliot and Ryder.

MR. RYLANDS said, he did not think it right to put the Committee to the trouble of dividing, especially as the First Lord had modified some of the statements which he had made in introducing the Navy Estimates. He was glad to have it understood that the additional number of men put on at the time of the panic in 1870, were only to be considered as being maintained for a temporary purpose, and that the number would be reduced to the maximum proposed by the right hon. Member for Pontefract. Before sitting down, he wished to explain that his object was not to strike at the maintenance of Government dockyards, as he was quite aware of the necessity of keeping up the dockyards for the repairs and re-fitting of the Fleet; but he was anxious to urge upon the Committee the desirableness of limiting, as far as possible, the manufacture of vessels and stores by the Government, and of purchasing from pri-

vate manufacturers and shipbuilders, wherever it could be done advantageously. He thought it had been clearly shown that the cost of manufacturing in the dockyards was considerably higher than in private yards. In withdrawing his Amendment, he hoped that good might arise out of the long discussion which had taken place.

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

(3.) £68,344, Victualling Yards.

MR. CORRY asked the First Lord of the Admiralty, whether his attention had been directed to the mooted question of the propriety of having the victualling yards placed under naval superintendence; the change introduced in 1869-70 having been objected to by all the naval authorities who were consulted on the subject, including Sir Sydney Dacres, the first naval adviser of the Crown? Those authorities were in favour of his opinion, which was, that those establishments should be placed under naval management not only in reference to the service in time of peace, but more especially with reference to the possible contingency of war.

MR. CHILDERS, referring to the change made in 1869 and 1870 in that matter, said, that formerly at Portsmouth and Devonport a naval officer superintended both the hospital and the victualling yard, the hospital at Chatham being under medical superintendence. The conclusion at which he had arrived was that it would be better to have the hospitals placed under the superintendence of medical officers, both at Devonport and Portsmouth, and the question then arose whether the Captain superintendent should be retained for the extremely limited duties of the victualling. He arrived at the conclusion that this was not expedient. His right hon. Friend, however, was not quite accurate in saying that the change was objected to by all the naval officers consulted. Of those who were strongly in favour of the change was Lord John Hay, the junior Naval Lord directly superintending this department.

LORD HENRY LENNOX said, he must support the view taken by his right hon. Friend (Mr. Corry). He entirely differed from the right hon. Member for Pontefract as to the naval element in the management of those hospitals,

There was a great body of naval evidence in favour of the old system, and he hoped that the present First Lord of the Admiralty would consent to revert to it.

SIR JOHN HAY remarked that at the time the Duke of Somerset's Committee was sitting the then Secretary to the Admiralty had given evidence that nine persons out of ten who had been consulted, including Sir James Hope and Sir William Martin, had stated that it was a mistake to take away the naval officers from these yards; and not only that, but the Duke of Somerset himself and Sir Sydney Dacres were of the same opinion. On the only occasion when any pressure had been put upon the department—namely, when a quantity of provisions had to be sent to Paris, the undertaking was but imperfectly carried out in consequence of this injudicious change. In his own opinion the appointment of civilians in the place of naval officers over these yards had been most unsatisfactory.

SIR JAMES ELPHINSTONE said, he entirely agreed with the right hon. Baronet who had spoken last, that the efficiency of this branch of the Department had suffered from the appointment of civilians in place of naval men over it. That was a specimen of the way in which the paltry reduction in the aggregate Estimates had been made to enable the right hon. Gentleman at the head of the Government to fulfil his pledge to reduce the amount of the Estimates, and that end had been brought about by crippling the efficiency of every branch of the service he had touched. He trusted the right hon. Gentleman the First Lord of the Admiralty would revert to the old practice with respect to the victualling yards, and would again place them under the control of experienced naval officers in place of second-class clerks.

MR. GOSCHEN said, that in view of the fact that nothing of an unsatisfactory character had occurred at the victualling yards during his term of office, he must decline to put an end to the existing system, which he thought had been proved to work well, until it had had, at all events, a fair trial.

SIR JAMES ELPHINSTONE remarked that the only time that any strain had been put upon that system it had broken down.

Lord Henry Lennox

MR. GOSCHEN said, on the contrary, his opinion was that it did not break down.

MR. CORRY said, whatever the right hon. Gentleman might think, it was in the evidence before the Duke of Somerset's Committee, that the civil authorities had forgotten that it was necessary to provide a ship when provisions were to be carried across the water.

Vote agreed to.

(4.) £59,926, Medical Establishments.

SIR JOHN HAY wished to ask the First Lord of the Admiralty how it was that when 11 of the crew of the *Rinaldo* were wounded in an attack upon a piratical community on the coast of Sumatra there was no medical man on board to attend to them? It was of the first importance that when ships were ordered on such expeditions they should carry surgeons.

MR. GOSCHEN explained that on the occasion in question the chief surgeon belonging to the *Rinaldo* had been directed by the Commander in Chief in China to attend to the hospital at Hong Kong, and that at the same time the assistant surgeon was laid up by illness at Singapore.

DR. BREWER said, he should like to know what had been the cause of the want of dental efficiency in both services, and whether it was contemplated to have any dental service in the establishment?

MR. SHAW - LEFEVRE said, the subject of dental surgery as practised in the Navy had not been specially brought under the notice of the Admiralty. He would suggest, however, that the hon. Gentleman should do so himself.

Vote agreed to.

(5.) £18,728, Marine Divisions.

Motion made, and Question proposed,

"That a sum, not exceeding £928,510, be granted to Her Majesty, to defray the Expense of Naval Stores for Building, Repairing, and Outfitting the Fleet and Coast Guard, which will come in course of payment during the year ending on the 31st day of March 1873."

Motion, by leave, *withdrawn*.

Motion made, and Question proposed,

"That a sum, not exceeding £818,626, be granted to Her Majesty, to defray the Expense of Half Pay, Reserved, and Retired Pay to Officers of the Navy and Royal Marines, which will come in course of payment during the year ending on the 31st day of March 1873."

MR. CORRY said, he must object to proceeding with it, because he wished to raise an important question as to the retirement of naval officers.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—*(Sir James Elphinstone.)*

MR. GOSCHEN urged that the discussion should proceed at once.

LORD HENRY LENNOX said, he also objected to the Vote being discussed, and would recommend that the next Vote, No. 16, should be taken.

MR. CORRY again urged his objection that it was too late—midnight—to discuss the question of naval retirement.

MR. GOSCHEN said, that, under the circumstances, he would consent to postpone the Vote.

Question put, and *negatived*.

Original Question again proposed.

Motion, by leave, *withdrawn*.

(6.) £638,311, Military Pensions and Allowances.

SIR JAMES ELPHINSTONE took occasion to call attention to the case of Mr. Burgess, late engineer of Her Majesty's ship of war *Lucifer*, to whom, at the outset of the Crimean War, the Russian Government, he being at the time in their service, offered a large salary to remain, which he declined to accept, on the ground that he could not work against his own country. He then found his way home to England, and served for 17 years, and found himself discharged from the Navy at the age of 75, with only a bonus of £100. He had a wife who was 70 years of age, and he saw nothing between them and the workhouse, although he had acted so nobly, and was one of the most honourable and finest fellows he had ever seen. If the Government did not come to his aid, all he could say was that he should ask his friends to join him in the endeavour to relieve him, so that he might be enabled to pass the rest of his days respectably. He must do the Admiralty the justice to say that they had done their best with the Treasury to put the matter right, but they were met with difficulties arising out of the Superannuation Act.

MR. SHAW-LÉFEVRE said, that the hon. and gallant Baronet was correct in saying that the difficulty in the case was

that it did not come under the provisions of the Superannuation Act, and that the Government could not do as the hon. and gallant Baronet wished without violating the law. There was no way of obtaining a pension for Mr. Burgess except by asking the House of Commons for a Vote for the purpose.

MR. G. BENTINCK said, he thought the case was one of entirely an exceptional character. Mr. Burgess had given up a lucrative employment in a foreign country because he would not work against his own, and our honour required that his claim should not be neglected.

MR. LIDDELL said, he supported the claim, and must contend that it would be most impolitic to do anything which would tend to discourage men like Mr. Burgess from coming back to give their services to the country in time of emergency.

MR. A. GUEST said, he would suggest that for a sum of £200 or £300 an annuity might be purchased which would enable Mr. Burgess to end his days in comfort. He further thought it was impossible to decide in any other way than in favour of the policy of so acting as to hold out an inducement to others to follow his example.

MR. GOSCHEN said, that the Admiralty and the Treasury had done the best they could under the circumstances, but that the Government had not felt justified in going beyond the limits of the law in dealing with the case. After the views which had been expressed with respect to it, however, he would bring it again under the consideration of the Chancellor of the Exchequer, while he must add that it would be, in his opinion, a most dangerous precedent. But individual cases which were not met by the Act of Parliament should, as they arose, be brought before that House.

MR. R. N. FOWLER said, he thought the case one deserving of consideration. The gentleman referred to had given up a lucrative position in the Russian service, and having served his country for 17 years was in his old age left without the means of maintaining himself. The circumstances showed that he was a man who deserved well of his country.

SIR JOHN HAY wished to know, whether the right hon. Gentleman had considered the question of the number

of Admiralty clerks with reference to which he had been in communication with the right hon. Gentleman? In the Estimates for 1868-9, the number of clerks and writers at the Admiralty was 445; it was now 507.

MR. SHAW-LEFEVRE said, the figures quoted by the hon. Baronet were quite erroneous, and not to be relied upon. He would, however, grant the hon. and gallant Baronet the Return he wished for.

In answer to MR. DICKINSON,

MR. GOSCHEN said, the question of pensions was taken into consideration on the question of the pay of seamen and marines. The pay of seamen of the Royal Navy was less than that of other seamen, but they had the prospect of pensions held out to them. If the pensions were struck off, their wages must be increased in proportion. The Admiralty attended to the question of pensions with the greatest care. No more pensions were given than absolutely necessary.

MR. DICKINSON said, he would suggest that for the sake of diminishing drunkenness on the part of the pensioners, arrangements should be made to pay their pensions weekly instead of monthly.

Vote agreed to.

(7.) £309,185, Civil Pensions.

(8.) £156,700, Freight of Ships (Army Department).

House resumed.

Resolutions to be reported *To-morrow*;
Committee to sit again upon *Wednesday*.

MUNICIPAL CORPORATIONS (WARDS)

BILL—[BILL 102.]

(*Mr. Winterbotham, Mr. Secretary Bruce.*)

CONSIDERATION. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [22nd April], "That the Bill be now taken into Consideration."

Question again proposed.

Debate resumed.

MR. J. LOWTHER said, that on a former occasion the hon. Gentleman who had charge of the Bill (Mr. Winterbotham) had not the opportunity of informing the House as to the number of

Sir John Hay

Petitions and Memorials which had been presented in favour of an alteration of the law, such as was now proposed. He might, however, be able to supply the deficiency now; but whether so or not, he (Mr. J. Lowther) was of opinion that very little need existed for anything of the kind; and that if it did, or there was any glaring evil connected with it, the House would have been deluged with Petitions upon the subject. The boundaries of boroughs were set out under the Municipal Act of 1835, and, with the exception of the Act of 1859, the system established by the former Act had not been interfered with. Under the present law two-thirds of the members of a town council might memorialize the Judge of Assize, who would appoint a barrister to determine what alteration, if any, should be made in the boundaries of the wards; but the present Bill proposed that one-third of the town council should have the power, and that the authority to whom the application should be made should be the Home Office, and not the Judge of Assize. Such an alteration, however, might lead to the mischievous and pernicious result which a similar provision had given rise to in America, and which was known as "Jerry-mandering," resulting in the practice, that the moment any political party was dissatisfied with the result of the elections, they proceeded to set the law in motion for an alteration of the constituencies. He therefore hoped the House would not accept the present Bill, and he would move, as an Amendment, that the Bill be taken into consideration on that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months,"—(*Mr. James Lowther*,) —instead thereof.

MR. STEVENSON said, that according to the present law no change could be effected unless two-thirds of the whole number of councillors agreed to the proposal. Many attempts had been made to procure those two-thirds, and they had always failed; in the borough he represented, for instance, there existed a great necessity to alter the wards, in order to adapt them to an entire change of circumstances and a great increase of the population; and they were landed in the difficulty of not being able to accom-

plish that object for want of the Bill now before the House. This Bill was therefore necessary, and he hoped the House would pass it.

COLONEL WILSON - PATTEN said, that the proposed change would be very great, and ought not to be agreed to without much consideration; in fact, he knew of one or two instances in which it would lead to great abuse. It was the less excusable to proceed in the way now proposed, because there was another mode of arriving at the same object by means of Provisional Orders, and without the expense of a private Bill. His hon. Friend (Mr. J. Lowther) had, therefore, done good service in opposing the Motion, and if he went to a division he should support him.

MR. GOLDNEY said, that if the question was opened at all, they ought to go further than was contemplated by this Bill. There were 60 or 70 boroughs where the municipal boundaries shut out about one-third of the population of the town, and that was an evil which ought to be redressed. He should support the Motion of the hon. Member for York (Mr. J. Lowther).

MR. LEEMAN said, he differed from his hon. Colleague (Mr. J. Lowther) in his views of the Bill, which he regarded as a necessity arising from the outgrowth of the large towns since the passing of the Municipal Reform Act 37 years ago. While it might have been better to have brought the suburbs of towns within more extended municipal boundaries, yet if that question was not yet ripe for legislative action, that formed no valid reason why the country should not avail itself of so much of good as was proposed by the Bill of the Government. The large towns had so extended themselves as to present the greatest possible discrepancies between the number of councillors and the number of municipal electors and values of properties in the different wards. It had been his (Mr. Leeman's) lot to have filled municipal office, almost from the passing of the Municipal Reform Act, in the City represented by his hon. Colleague and himself (York), and having watched the outgrowth of that City, he could give no better illustration of the necessity for some means of revision of existing wards and of equalizing municipal representation from time to time in all their large towns than the City of York

presented at that moment. This was the relative condition of the six wards into which the City was divided—Bootham, town councillors, 6; electors, 709; gross rental, £20,406; acres, 98; Micklegate, town councillors, 6; electors, 2,163; gross rental, £50,357; acres, 1,049; Castlegate, town councillors, 6; electors, 728; gross rental, £19,769; acres, 61; Monk-town, councillors, 6; electors, 2,238; gross rental, £28,972; acres, 440; Guildhall, town councillors, 6; electors, 537; gross rental, £17,201; acres, 25½; Walmgate, town councillors, 6; electors, 1,573; gross rental, £23,892; acres, 296. In other words, the three smaller wards, covering 184 statute acres, and with an aggregate of 1,974 voters, occupying property of the gross estimated rental of £57,376, were represented in the town council by 18 councillors, whereas the three larger wards, covering 1,785 statute acres, and capable of continued expansion, had so grown out as now to number 5,974 electors, or thrice the number of electors in the three smaller wards; and the three larger wards having a gross estimated rental of £103,221, or nearly double that of the three smaller wards, were yet only represented by the same number of councillors. He (Mr. Leeman) had returns from Leeds, Hull, Newcastle, Birmingham, and other places, all more or less presenting the same discrepancies as the result of the constant increase and outgrowth of our cities and towns, and all showing the necessity for power to town councils to seek from time to time such revision of their wards or the equalization of their representation as was proposed to be given by the Bill, and which the existing law failed to secure. He could not therefore support the views expressed by his hon. Colleague against the Bill, but for the reasons he had stated was prepared to give it his hearty support.

MR. CAWLEY held that the Bill was not required, as the Bill of last year had made all the alterations needed. The measure now before the House would change the whole principle under which that work had hitherto been done, for it would place the machinery at the absolute disposal of the Secretary of State, who might then alter wards as he chose. By one portion of the Bill it was proposed to give to one-third of the council a power equivalent to that of the majority, and such a scheme would

strike at the root of municipal government.

MR. WINTERBOTHAM said, that the criticisms hitherto passed upon the Bill differed from those made in the present discussion. In the debate on the Motion of the hon. and learned Member for Boston (Mr. Collins) no attempt was made to show that the measure contained the dangerous elements indicated by the hon. Member for York (Mr. J. Lowther). The whole object of the Bill was to carry out the Act of 1859, which had proved a dead letter. Under that Act it was provided that the initiative might be taken by two-thirds of the council, who were to go out of office. He thought it was hardly to be expected that they should make such a sacrifice. It was alleged that fresh powers were to be conferred on the Secretary of State, but he would have no more power in the matter than the Commander-in-Chief.

LORD JOHN MANNERS said, there was an essential difference between this Bill and the Bill of 1859. The principle of the Bill of 1859 was that the majority should take the initiative; but the principle of this Bill was that the minority should take the initiative. He protested against conferring such a power, and until he had heard better reasons urged for the change it would meet with his opposition.

MR. WHEELHOUSE said, he should like to know what was the object of placing the Order which was to be made on the Table of the House? If the Bill were adopted, it would work a change through every municipality in England. In boroughs, where everything was done by persons under political bias, the result would be that they would come to the Privy Council, when they had a majority, with just such a scheme as they thought desirable for their own purposes. If the question of municipalities was to be dealt with at all, it should be by a large and comprehensive measure, and not piecemeal, as this Bill proposed to do.

MR. DODDS, in opposing the Amendment, said, there was imperative need in the borough he represented for the provisions of the measure under notice.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 78; Noes 38: Majority 40.

Mr. Cawley

Main Question put, and agreed to.

Bill considered.

MR. CAWLEY moved an Amendment, in line 16, page 2, to the effect that a majority of the council or one-third of the ratepayers of the borough should have the power of making the recommendation to the Privy Council.

Amendment proposed, in page 2, line 16, to leave out the word "either."—*(Mr. Cawley.)*

MR. WINTERBOTHAM said, the Amendment was really the same one on which they had just divided, and he hoped the hon. Gentleman would, therefore, not press it.

Question put, "That the word 'either' stand part of the Bill."

The House divided:—Ayes 72; Noes 30: Majority 42.

Bill to be read the third time *To-morrow*.

OYSTER AND MUSSEL FISHERIES SUPPLEMENTAL (NO. 2) BILL.

On Motion of Mr. ARTHUR PEEL, Bill to confirm an Order made by the Board of Trade under "The Sea Fisheries Act, 1868," relating to Salcombe, ordered to be brought in by Mr. ARTHUR PEEL and Mr. CHEICHESTER FORTESCUE.

Bill presented, and read the first time. [Bill 172.]

PIER AND HARBOUR ORDERS CONFIRMATION (NO. 3) BILL.

Considered in Committee.

(In the Committee.)

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to confirm a Provisional Order made by the Board of Trade under "The General Pier and Harbour Act, 1861," relating to Waterford.

Resolution reported:—Bill ordered to be brought in by Mr. ARTHUR PEEL and Mr. CHEICHESTER FORTESCUE.

Bill presented, and read the first time. [Bill 171.]

PAWNBROKERS BILL.

Considered in Committee.

(In the Committee.)

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill for consolidating, with amendments, the Acts relating to Pawnbrokers in Great Britain.

Resolution reported:—Bill ordered to be brought in by Mr. WHITWELL, Mr. CHARLES MILLS, Mr. MORLEY, and Mr. PLIMSOLE.

Bill presented, and read the first time. [Bill 173.]

ELEMENTARY EDUCATION (PROVISIONAL ORDER CONFIRMATION) BILL.

On Motion of Mr. WILLIAM EDWARD FORSTER, Bill to confirm a Provisional Order made by the Education Department under "The Elementary Education Act, 1870," to enable the School Board for London to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same, *ordered* to be brought in by Mr. WILLIAM EDWARD FORSTER and Mr. WINTERBOTHAM.

Bill *presented*, and read the first time. [Bill 175.]

COUNTY OFFICERS (IRELAND) BILL.

On Motion of The Marquess of HARTINGTON, Bill to amend the Law relating to certain County Officers and Boards in Ireland, *ordered* to be brought in by The Marquess of HARTINGTON and Mr. ATTORNEY GENERAL for IRELAND.

Bill *presented*, and read the first time. [Bill 174.]

PIER AND HARBOUR ORDERS CONFIRMATION (NO. 2) BILL.

Order for Committee upon Thursday next read, and *discharged*.

Bill, so far as it relates to Aldborough, committed to a Select Committee, to be appointed by the Committee of Selection as in the case of a Private Bill.

Ordered, That all Petitions presented during the present Session against the Bill be referred to the Committee; and such of the Petitioners as pray to be heard by themselves, their Counsel or agents, be heard upon their Petitions, if they think fit, and Counsel heard in favour of the Bill against the said Petitions.—(Mr. Arthur Peel.)

House adjourned at a quarter before Two o'clock.

HOUSE OF COMMONS,

Tuesday, 28th May, 1872.

MINUTES.] — NEW WRIT ISSUED — *For* Oldham, v. John Platt, esquire, deceased.

NAVY — CHATHAM DOCKYARD — RAILWAY CONNECTION.—QUESTION.

MR. HOLMS asked the Secretary of State for War, Whether it is intended to connect the Dockyard and Government Establishments at Chatham with the Railway system of the Country; and, if so, when it is likely that the necessary steps for this purpose will be taken?

MR. GOSCHEN, in reply, said, that it was intended to connect the Dockyard at Chatham with the railway system of the country. There had been an agreement with the London, Chatham, and Dover

Railway Company to make a branch line to the Dockyard at Chatham, and three years were given for that purpose. Owing to the difficulties in which that Company found itself in regard to undertaking any new works, the arrangement fell through. Since then various negotiations had been conducted with different promoters, but no resolution had been arrived at. The attention of the Admiralty had, however, been directed to the subject.

ARMY RE-ORGANIZATION — COUNTY MILITARY DEPOT CENTRES.**QUESTION.**

MR. GOURLEY asked the Secretary of State for War, If he will state to the House the exact nature of a County Military Depot Centre; how many battalions of the line, if any, are intended to be quartered at one time in each Centre; and, if these Depot Centres are merely for the purpose of training recruits, afterwards to be drafted into the regiments of their respective Counties at such places, either at home or abroad, where they may happen to be stationed?

MR. CARDWELL: Sir, the exact nature of a county military depot centre is stated fully in the Report of General M'Dougall's Committee, which has been laid upon the Table. Detailed particulars are given in Appendix H. Speaking generally, it is to be the military head-quarters of a brigade district. The brigade will consist of two battalions of the Line, two of Militia, and the Volunteers within the district. The depot battalion will be localized there, and the permanent Staff of the Militia, and, as far as convenience will admit, that of the Volunteers. The recruits, both for the Line and Militia, will be trained there. The station will be made available, as far as convenience will admit, for the training of the Volunteers. Officers of Militia and Volunteers will obtain instruction there, and the arms of the Militia, and, so far as convenience may admit, of the Volunteers, will be stored there. Of the two other regular battalions of the brigade, one will be abroad and the other quartered in the United Kingdom wherever the public service may require, whether in its own district or elsewhere.

FRANCE—DEPORTATION OF POLITICAL PRISONERS—CORRESPONDENCE.

QUESTION.

MR. MUNDELLA asked the Under Secretary of State for Foreign Affairs, If he is prepared to state to the House the substance of any Correspondence with the Government of France on the continued deportation of political prisoners to this Country; and, whether, seeing that batches of these unfortunate persons continue to arrive in a state of absolute destitution, the Government of France cannot be made responsible for their temporary maintenance?

VISCOUNT ENFIELD: Sir, Her Majesty's Government have been and are still in active correspondence with the French Government on the subject of the deportation of political prisoners to this country, and I can assure the hon. Member and the House that there shall be no unnecessary delay in laying the Correspondence before Parliament. I am not at present in a position to reply to the latter portion of the hon. Gentleman's Question.

TREATY OF WASHINGTON.
TRIBUNAL OF ARBITRATION (GENEVA).
THE INDIRECT CLAIMS.
THE SUPPLEMENTAL ARTICLE.

QUESTION.

MR. DISRAELI: Sir, before making the inquiry of Her Majesty's Government which I have placed on the Paper in accordance with the suggestion of the right hon. Gentleman, I desire, with the permission of the House, to make a remark explanatory of the reasons which induce me to put it. These are critical times and circumstances, and I do not wish that my motives should be in any way misapprehended. I do not call in question in any degree the ancient and salutary Prerogative of the Crown as regards the negotiation of treaties; but every rule has some exception, and the application of a principle must be influenced, to a certain extent, by circumstances. This consideration applies to the present case, because, from the first, Parliament generally, has been associated with the negotiations carried on with the United States. The House will remember that when Her Majesty was advised to commence these negotiations, now a long time ago, Her Ma-

jesty, to a certain degree, called Parliament to her Councils. The negotiations were not entrusted merely to the Representative of this country at Washington, but a High Commission was appointed, and the most important Members of that Commission were selected from both Houses of Parliament. I put this Question also because, as the House must have observed, a new mode of conducting negotiations has been introduced in connection with this matter. I refer to the mode of proceeding by "understanding," and not by precise expression, which has hitherto been the mode approved by those who have engaged in the diplomatic office. This being on my mind, and the new method of proceeding by "understanding" being one which has not succeeded, and which ought to be arrested in its course, I do not see in what manner I could better achieve my object than by asking the right hon. Gentleman to advise the Crown that the control of Parliament should be exercised, to a certain degree, over these negotiations. I therefore think it my duty to ask the First Lord of the Treasury, Whether it is the intention of Her Majesty's Government to submit the Terms of the Supplementary Treaty with the Government of the United States to the consideration of Parliament previous to its ratification?

MR. GLADSTONE: Sir, the Question put to me by the right hon. Gentleman really requires no apology whatever; but the reasons given for it are such that I must be understood to reserve my liberty to demur to them. The right hon. Gentleman says—and says truly—that this case is in a great degree exceptional. One of his reasons for regarding it as exceptional is that a new mode of conducting negotiations—namely, by "understanding"—has been introduced, and he thinks it necessary that a check should be put on that mode of proceeding. It is obviously quite impossible for the Government to give any information to Parliament, if the reasons put forward by the right hon. Gentleman for so doing are the only reasons which can be advanced in support of such a course, because his reason amounts to this—that the proceedings of the Government have been such that it is impossible safely to entrust them with the ordinary discretion exercised by the Executive Government. I think the right

hon. Gentleman must see that, however much that reason may weigh in his own mind, it cannot possibly have any force with us; and, indeed, it must operate precisely in the opposite direction. The House will do me this justice—that I have never defended the position of the British Government with regard to the Treaty of Washington on the ground of “understanding.” Indeed, I have been much blamed for declining to do so. I have said that we had a perfect right to speak of our intentions; but I have always contended that it was a great mistake to place the argument on the basis of “understanding.” That is not a matter which it is proper to enter upon now, and I will therefore address myself to the Question of the right hon. Gentleman. I hope the right hon. Gentleman did not suppose for a moment that I wished to find fault with his putting the Question yesterday. I wished him to put the Question on the Paper that I might answer him with perfect accuracy, instead of trusting to my memory, which is often apt to be treacherous. I was desirous of having an opportunity of referring to what had occurred upon a previous occasion. This is not a new transaction; it is the completion of an old one, and my memory impressed me with the belief that the rules which we had adopted last year were perfectly applicable to the present case. What I have now to say is an answer to the Question put to me yesterday by the right hon. Member for Liskeard (Mr. Horsman) as well as to the right hon. Gentleman. I was asked last year with regard to the Treaty of Washington a similar question, and I find I am reported to have answered as follows:—

“I am not able, Sir, to name the particular day of the arrival of the Treaty, of which we have not received a final Copy. When it does arrive, however, it will be immediately presented to Parliament. We shall, in this instance, depart from the general rule, and present the Treaty to Parliament, without waiting for its ratification, on account of special circumstances. Among these I may mention that the Treaty has been prematurely made known in America—by prematurely I mean contrary to the intentions of the Executive Government.”

That mode of procedure which was adopted last year we shall again adopt. The very nature of the case requires that an interval should elapse between the signature of the Treaty and the ratification of it. Because, whereas the signa-

ture may be directed to be made by telegraph on the part of either State to its Representative in that country, the ratification would require the exchange of the body of the Treaty itself, and therefore it requires the intervention of the time necessary for communication by post. The only other question that remains would be whether the Treaty in its terms would be communicated immediately on its being signed, without waiting for the arrival of the original instrument. That was done last year, and the Treaty was laid before Parliament on the 23rd of May. That will be done again in the present year, in the event of our arriving at the conclusion of any Supplementary Treaty. The conclusion of that Supplementary Treaty depends on the understanding between the two Governments as to the exact terms of an engagement which is not of a nature so perfectly simple as to be disposed of in a moment. But should that Treaty be concluded—and when it is concluded—the right hon. Gentleman will understand from what I have said that it will be immediately laid before Parliament, to place Parliament in possession of its authentic terms.

MR. BOUVERIE: I wish to ask the right hon. Gentleman the First Lord of the Treasury the Question I have put on the Paper, in consequence of the answer I received yesterday from the right hon. Baronet the Member for North Devon (Sir Stafford Northcote)—namely, Whether the British Commissioners at Washington did communicate to the British Government that they had come to an understanding with the American Commissioners, and that a promise had been given by the latter that the Indirect Claims growing out of the acts of the “Alabama” should not be brought forward in the Arbitration; and, what were the terms of that promise, as reported by the British Commissioners?

MR. GLADSTONE: Sir, I gathered from perusing the Question put by my right hon. Friend on the Notice Paper, as he has now stated, that it grew out of the terms of the answer given by my right hon. Friend opposite (Sir Stafford Northcote) yesterday to an inquiry then addressed to him. In what I have to say I hope I shall not be understood to convey—for I do not intend to convey—the smallest reflection on my right hon. Friend opposite. He acted in the exer-

cise of his own discretion—I may say, in the exercise of his own right—and I own that I thought the answer which he offered in his place yesterday to my right hon. Friend behind me was—if I may presume to say so—a very just and proper answer. But in reference to this Question I wish to say to my right hon. Friend behind me, that our grounds for the contention we maintained in our correspondence with the American Government are fully set forth in the Despatches in possession of Parliament, and especially in the Despatch of the 20th of March, in which we set forth the various, and, as we think, amply sufficient, grounds for the doctrine and position we maintained with respect to the scope of the Treaty of Washington. I will not say—not having the whole of that Despatch in my mind—whether the word “understanding” occurs in it; but I will say that the general argument of that Despatch did not at all depend upon “understanding,” but upon statements therein very clearly and sufficiently given. It was quite competent for my right hon. Friend behind me to ask whether there was such an “understanding;” but he will, I hope, excuse me if I say that—our arguments being sufficiently before the world—I do not think any advantage would arise from our going back at this moment on the question whether or not there was an “understanding” between the Commissioners of the respective high contracting parties, or what were the precise terms of that understanding. It may or may not, at a future time, be right to enter into that matter; but for the present I must respectfully decline to do so, because the result of our going back now upon the grounds of the contentions of the respective Governments would only be mischievous when those Governments hope to escape from the effect of those contentions by another arrangement, should they be so happy as to conclude one.

Mr. DISRAELI: Will there be any objection to the Papers which have been published in *The London Gazette* being laid before Parliament?

Mr. GLADSTONE: There will be no objection to that.

Mr. BOUVERIE said, he wished it to be clearly understood that he had not asked whether there was an “understanding;” but whether, as a matter of

fact, the English Commissioners had reported that there was one, and in what terms they had reported it?

POLYNESIAN ISLANDERS.

QUESTION.

Mr. EASTWICK asked the Under Secretary of State for the Colonies, Whether any information has been received that the water-logged vessel containing a number of dead and half-starved Polynesian Islanders, which was recently towed into a North Queensland Port by one of Her Majesty's Ships of War, is identical with the schooner “Peri,” which brought a cargo of kidnapped natives to Fiji from the Solomon Islands, and on board of which an attempt was made to shoot Mr. March; and, if not, if he can state to what Country the vessel belonged?

Mr. KNATCHBULL-HUGESSEN, in reply, said, that according to the best information received by the Colonial and Foreign Offices, it was believed that the two vessels were identical. Further inquiries were being made, and any information received should be communicated to the House.

ARMY—TORPEDOES—CAPTAIN HARVEY.—QUESTION.

Captain DAWSON-DAMER asked Mr. Chancellor of the Exchequer, Whether it is true that Captain Harvey was rewarded with a donation of £1,000, and £500, for his disbursements for his invention in Torpedoes; whether the whole of the recompense he received was £938 6s. 8d., which was charged with Income Tax; and, whether such charge was legal, and upon what ground such tax was levied?

THE CHANCELLOR OF THE EXCHEQUER: Sir, Captain Harvey received £1,000 as remuneration for his discovery. I have no knowledge of the £500 at all. Income tax was deducted from the £1,000. The hon. Gentleman has not left me much to inquire whether that was legal or not. On the first blush of the matter I think its legality is questionable, and I would advise Captain Harvey to apply to the Inland Revenue Department if he entertains any doubt as to the legality of the charge.

Mr. Gladstone

PARLIAMENT—THE DERBY DAY.

ADJOURNMENT OF THE HOUSE.

Motion made, and Question proposed, "That this House will, at the rising of the House this day, adjourn till Thursday next."—(*Mr. Gladstone.*)

MR. T. HUGHES: On the last occasion of this kind I gave Notice that, if the Motion were made again, I should take the opinion of the House upon it, and I propose to do so to-day. I confess I am surprised that the Motion should again come from the Treasury bench, after the House has undeniably shown that its opinion upon this subject has changed during the past year. ["No, no!"] Perhaps hon. Gentlemen who cry "No, no!" will hear the reason I have for making that statement. If I am wrong the House will correct me. Previous to the present year there were always two occasions, and two only, when Motions of this kind were made. Those two occasions were, one a principal festival of the Christian year—namely, Ascension Day—and the other the principal festival of the English Turf—the Derby. On the 8th of this month the House passed a Resolution that hereafter—at all events for the present year—the usual adjournment which had taken place in previous years for the purpose of allowing Gentlemen who were so inclined to attend the services of their Church upon Ascension Day, should not be continued. The House decided, by a considerable majority, that there should be no suspension of Business. ["No, no!"] Well, I ask whether it is not the case that such a vote was taken on the 8th of this month? I happened to be absent, and I admit there is always a difficulty in ascertaining the reasons upon which the House acts unless one is present. But, so far as I could gather from the newspapers, the vote was of the nature I have described, and certainly the House did not adjourn as usual. The right hon. Member for Kilmarnock (*Mr. Bouverie*) said, I think, that there were a number of very important matters—Gas Bills, Railway Bills, Water Bills, and other measures interesting to the business public in general—which required to be attended to, and that we ought not to allow them to lie over for two hours, because some hon. Members were so old-fashioned and superstitious as to desire to attend Divine worship on the day of Ascension.

That I understood to be the opinion of the House, after carefully reading the reports of what took place on the occasion. Then, surely, when at the beginning of the month the House has refused hon. Members two hours for the purpose of public worship, it is not going to stultify itself at the end of the month by devoting a whole day to a purpose which I venture to think no one in the House will consider of the same importance as the other. Now, as to the first of the two festivals, it has been the custom to keep it in England for—I will not say 1,800 years, but at any rate since St. Augustin with his monks marched from the coast of Kent to Canterbury. That gives it a great start as compared with the festival of the British Turf, for which it is proposed to adjourn to enable hon. Members to spend to-morrow at the races. So far as I am aware, the festival of the Derby has not existed for 100 years. The other has, therefore, at any rate, had the start of more than 1,000 years. I am not going to compare the importance of the two institutions; but I will say that, at any rate, whatever the Christian religion may have done for the British nation—["Oh, oh!"]—hon. Gentlemen may cry, "Oh!" but they will have an opportunity of answering. ["Oh, oh!"] If the hon. Member for Southwark (*Mr. Locke*) has anything to say in opposition to what I am saying, he will have an opportunity to say it. Let us see what the other institution to which we are now about to give a special advantage has done for the British nation. I am told—I do not pretend myself to know much about it—that the British Turf has very much improved the breed of horses for the nation. I have doubts upon that subject. I know that many eminent authorities think that it is by no means the case. Without going into that question, however, as to which I am no authority, I do know what the British Turf has done for the British nation in other matters. It has given to the British nation a system of gambling the most corrupting, the most insidious, and therefore the most mischievous and abominable that has ever cursed any country in the world. Now, upon that subject I suppose most of us are, to a certain extent, authorities. Even in my own personal experience, in my own profession—which deals, of course, with matters of

this kind—I have known hundreds of instances in which this system has been the absolute ruin of young men in this country. In the case of settlements under which I myself am trustee, I have had to raise for different families no less than upwards of £20,000 for youngsters who have lost it in gambling on the Turf, and all that money has gone into the pockets of some of the greatest rascals who remain unhung in this country. Therefore, I say, that the great festival of the English Turf is not a proper one to be recognized by this House in the manner now proposed. I have as great a love for sports as anyone in this House, and know as much about them as most hon. Members, and I say, that if we are to choose some sport for special recognition and distinction of this kind, do not let us choose the one which has done most harm, but some one which is doing good in the country. If anyone will move that this House should adjourn for the International Boat Race, or the Shooting Match between the Two Houses of Parliament at Wimbledon, or the Gentlemen *v.* the Players' Cricket Match, I would not oppose the House coming to such a vote as that. But when it is perfectly notorious to every Gentleman in the House what is the nature of the institution of the British Turf, we are, I think, stultifying ourselves, and setting an evil example to the country if we postpone all Business that is down for to-morrow for the purpose of allowing Gentlemen to celebrate their festival at Epsom. Let me point out to the House that the effect of rejecting the Motion of the right hon. Gentleman will be, not to stop anyone except, perhaps, a few hon. Members who would have to sit in Committee to-morrow, from going to the Derby, but merely to show that this House does not place the Turf festival above that of the Church. If the Motion of the Prime Minister should be rejected, any Gentleman may still go to the Derby as he may go to a dog fight or cock fight if such things still exist, or to a pigeon-shooting match, or any other manly sport of that kind, which this House does not specially recognize. Two years ago I brought into the House a Bill to deal with some of the worst portions of the present betting system. That Bill was received with a good deal of favour, and the House seemed willing to go into the matter. Then the Home

Mr. T. Hughes

Office took it out of my hands, and put my clauses into a Bill that they have had for two years before the House, and which deals with this question. In order, therefore, to provide some useful Business for to-morrow, as there seems to be no chance of the Government bringing on their Bill this year, I have placed a few short clauses in a little Betting Bill which I propose to bring before the House for a first reading to-night, and which I have put down for a second reading to-morrow.

MR. LOCKE: I wish to correct my hon. Friend as to some statements that he has made, for he is dreadfully afraid of the consequences that may result from no Business taking place here to-morrow. He need not be afraid, because no Committees are going to sit to-morrow, and therefore the case that he has alluded to is not at all analogous to that which was mentioned the other day by the right hon. Member for Kilmarnock (Mr. Bouverie). The right hon. Member for Kilmarnock based his opposition to the latter Motion on the ground that if the Committees did not sit until two hours after the usual time on Ascension Day, there would be a great delay in the Private Business of the House, and an unnecessary expenditure upon those interested in Private Bills, because although only two hours' work would be done, counsel and solicitors would have to be paid just the same as though a full day's work were performed. Now, no counsel will appear to-morrow before Committees—they will be at Epsom. My hon. Friend the Member for Frome (Mr. Hughes) will of course be there also, because in many instances I have found him extremely inconsistent. For the reason I have mentioned, his objection falls entirely to the ground. It certainly would have been hard that persons who had business before the Committees should be called upon to pay double for the services of counsel and solicitors. But in this case it is clearly understood that it will be a blank day with the Committees, and therefore no inconvenience of that sort will arise. I do not think that it is becoming in the hon. Member for Frome that he should get up and preach to us in the manner which he has done. We must all be well aware that there is a good deal of money lost by betting upon horses; but horses are not the only things upon

which money is lost. Is there no such thing in connection with cards and with dice, and are there not thousands of modes by which people could be ruined if they would. There is no doubt at all that the breed of horses has been improved in this country by racing. I know nobody who doubts it except the hon. Member for Frome, and he did not express any very strong doubt, and only, in fact, asked our opinion upon the point. I sincerely hope that he will not divide the House upon this question. It is a sort of sanctimonious course that he is pursuing, and one may well be surprised that he, at all events, should have brought it before the House. I say this because we all know what were his pursuits in early life, and I repeat that I hope that we shall not be troubled to divide.

COLONEL BERESFORD said, he did not think the vote with regard to the adjournment on Ascension Day could be regarded as a test of the opinion of the House on the subject, because that division was taken unexpectedly, and even against the desire of the right hon. Member for Kilmarnock (Mr. Bouverie). The division was forced on by a small knot of hon. Members below the gangway, and after all they only obtained a majority of 5 in a House of less than 100 Members. He hoped that the hon. Member for Frome (Mr. Hughes) would not take the opinion of his hon. Friend (Mr. Locke), because he (Colonel Beresford) should be glad if he would divide the House, because then it would be seen what a small following he had, and probably he would not bring forward the question again next year.

MR. GLADSTONE: As I must say a few words upon this question, I will observe that it is perfectly clear that my hon. Friend (Mr. Hughes) has misapprehended the nature and authority of the vote given by the House in reference to Ascension Day, for the two questions have really no parallel. The special objection to this vote is taken upon the ground of the immorality that is unfortunately associated with the practice of horse racing; but the objection in reference to Ascension Day was certainly not the immorality of anything connected with that day. It has been truly said by the hon. and gallant Gentleman opposite (Colonel Beresford) that the affair was an accident; and the divi-

sion was accidental so far as the right hon. Member who made the Motion and the Members of the House in general were concerned. I believe that numbers of hon. Members were present in Committee at the time, and, hearing the bell ring, they thought it must be for a counting of the House, or for a division upon a Private Bill, or for some other purpose of the kind, and that it could not be for anything that required their attention. I may mention, as an illustration, that my hon. Friend the Member for Shaftesbury (Mr. Glyn) was placed in such a forlorn condition in that division as the representative of the Government, that he had not one on his own bench to accompany him in his telling, and was therefore obliged to fall back upon the good offices of the hon. Member for Derby (Mr. Bass), in order to get somebody who would march with him up to the Table to announce the majority of 52 to 47. What I suppose to be the case is this—the House generally agrees with my hon. Friend in his denunciation of the foolish, vicious, and, I will say, ruinously vicious practice in many cases associated with what the House, notwithstanding, believes to be in itself a noble, manly, distinguished, and, I may say, historically national sport. The House is disposed, in looking at this sport, however, to feel that it is not bound to take cognizance—and it is not expedient to take cognizance—in connection with such a Motion as this, of those abuses which, though much to be deprecated, are not of necessity essentially connected with the sport itself. But if we are to take cognizance of these abuses—if we are to take our stand upon putting down these practices, which are of so vicious and detrimental a character—we should do something more decided than merely to decline to adjourn over to-morrow. We should endeavour to make these practices the subject of some aggressive action in our legislative capacity. Without entering any further into the excuses for this custom having come into use, I can only say I think it is a custom regarded by many who do not probably care much about the Derby as a security for the holiday. I do not think my hon. Friend the Member for Frome, in a division, will succeed in obtaining an accurate representation of the mind of the House, because I believe that many hon. Members who

value the holiday will vote against him on that account, whilst some will vote against him on a question connected with the race itself.

COLONEL FRENCH remarked that for 30 years it had been the custom with the House to adjourn over the Derby Day; but it was not the custom formerly for the Motion for Adjournment to be made by the Government, but by an independent Member. The course was adopted, not so much for the Members of the House, but with a view to let the officers of the House take advantage of the holiday.

MR. BERESFORD HOPE said, he intended to vote against the Motion of the hon. Member for Frome as a protest against the division which took place with reference to Ascension Day. The reasons for the one adjournment and for the other were as different as possible, but in its external aspect the present Motion resembled that of the other day. Each was a Motion made without Notice, and calculated to disturb a well-established understanding. It should be borne in mind that many persons had made their arrangements for the Derby in anticipation of the usual holiday, and any sudden departure from the established custom would entail great and general inconvenience upon a large number of persons. He must conclude with the remark, that any Member who might appear in what he believed would be the majority in the present day, and who had also appeared in the unlucky majority on Ascension Day, would not be able to congratulate himself upon his consistency, or his regard for the feelings of other hon. Members.

Question put.

The House divided:—Ayes 212; Noes 58: Majority 154.

ARMY—AUTUMN MANŒUVRES. RESOLUTION.

MR. DIMSDALE, on rising to move a Resolution condemnatory of the selection of the period of harvest for the contemplated Autumn Manœuvres, said, he should not have troubled the House with this question if he had not received a large number of letters from farmers expressing their great anxiety on the subject. They felt that very great hardship would be experienced by farmers and

their labourers if the manœuvres were held in harvest time. The issue before the House rested solely on a question of time. He wished to guard himself with this declaration, because he thought any one who had taken any interest in the improvement of the organization of the Army must have come to the conclusion that the Government were entitled to great credit for having introduced the system of military manœuvres. Last year the Secretary of State for War stated that it was well known that in Prussia it had been the custom for a long time as soon as the harvest was over to make the different branches of the military service go through a series of manœuvres. Why should not the military manœuvres in this country be held not during the harvest, but, as in Prussia, as soon as the harvest was over? One of the officials of the War Department stated last year that in many parts of the country the crops would probably not be gathered in in September. The farmers were very desirous of giving every encouragement to the manœuvres; but was it not imprudent on the part of the Government to select a period when crops were still standing in the field for the carrying out of these manœuvres? The carrying out of these manœuvres in August would not only be a great inconvenience to farmers, but a great injustice to their labourers, because it would occasion the loss of their harvest wages. First, as regarded the farmer, the evil was this—that every year, and now much more than formerly, he had great difficulty in obtaining a supply of agricultural labour at the period of harvest. That might be attributed to many causes—partly to emigration, partly to the migration going on from rural to urban districts, and partly to the cessation of a large supply of Irish labour that used to be employed in the gathering in of the harvest in this country. As regarded the position of the labourer, it was still harder. During the period of harvest he earned the largest amount of wages. In the county of Hertford the average amount of wages earned by an agricultural labourer was no more than 11s. or 12s. per week; but in the harvest his wages were generally increased to 30s. per week. During the harvest he earned money wherewith he could discharge the little debts he had contracted during the year, and put himself in a better position

Mr. Gladstone

to meet the hard time of winter. The alarming strikes which had occurred in agricultural districts had an important bearing on the present question. A strike was a great evil in agricultural and manufacturing parts of the country, both to employers and employed; but it was an evil especially in an agricultural district, as preventing the gathering in of the harvest in the most favourable part of the year, and thereby tending to produce famine. Contracts for the harvest month have been more freely entered into than in any previous year between the employers and the employed, and such contracts would be seriously interfered with if the Autumn Manœuvres commenced at so early a period as the 31st of August. There was another way in which both labourers and farmers might be very much injured. If you deprived the labourers of their money earnings in harvest they would have nothing to fall back upon in the winter months; they would be forced to become inmates of the poor-house, and the farmers would have to pay enormously in the way of rates. Then there was another point to be taken into consideration—namely, the ill effects which so mischievous a proceeding would have on the feelings of the labourers themselves. The other day a working man with whom he was discussing the question said—"I see clearly what is the meaning of this. You are anxious to choose a time of the year which you think will be rather for the benefit of the rich than of the poor." And of this he felt certain, that if by any means a belief, however unfounded, should spring up in the minds of the masses, that Parliament in selecting a period for these manœuvres were balancing the amusement of the rich against the hard earnings of the poor, it would give rise to a feeling of alienation between classes which would entail evils in the future far more serious than any that had ever befallen this country in the past, or in the guise of physical calamity or political disaster. The right hon. Gentleman had never shown himself unreasonable where any fair proposal was made from the Opposition benches, and he trusted, therefore, he would consent to postpone the manœuvres to the 25th of September. Nothing would be more deplorable than that the success of these manœuvres should be interfered with by embittering the feelings of em-

ployers and employed in the agricultural districts. The hon. Gentleman concluded by moving his Resolution.

Motion made, and Question proposed,

"That, in the opinion of this House, the selection of the period of harvest for the contemplated Autumn Manœuvres will interfere with the processes of agriculture, affect injuriously the interests of the cultivators of the soil, and inflict grave pecuniary hardship on the labourers in the rural districts."—(*Mr. Dimsdale.*)

Mr. C. S. READ said, that usually the harvest was not completed even in the Southern and Eastern parts of England by the 31st of August, and he never knew such a large quantity of backward spring corn as this year. They could not tell now what sort of weather they would have this summer; but there was every probability of a long, lingering, and somewhat late harvest. He hoped, therefore, that the right hon. Gentleman, instead of taking the Militia from the farmers at the time when they would most be wanted, would, if there was any necessity for it, allow the soldiers to help in gathering in the harvest, as they would probably be needed. Let the right hon. Gentleman consider the pay given to a Militiaman. A great deal had been said lately about the poor remuneration given by farmers to the labourer. But the Militiaman, besides his bounty, had only 9d. a-day, 1 lb of bread, and three-quarters of a pound of tough bull beef. The result was, no sooner did the Militiaman undertake his duties if he had a wife and family at home, than they often became chargeable on the parish, and the Guardians were so kind-hearted that, considering the man was discharging a duty, they invariably allowed out-door relief. With the increased rate of wages which the labourer was receiving it was only fair that the Militiaman should get better pay, and so be enabled to repay the relief given to his family.

Mr. CARDWELL said, that the hon. Gentleman had brought forward his Motion in so friendly a tone that he presumed it was not intended to press it to a division, but that he had brought it forward as a mode of tendering advice in public that was more usually tendered in private, and which always received the most careful consideration of the Department. He could not agree to the terms of the Motion, and therefore he hoped the hon. Member would not give

the House the trouble of dividing upon it. The hon. Gentleman might entirely relieve his mind from any notion that in making the proposed arrangements the authorities had considered one class of the community in preference to another. The military authorities could have no conceivable object except to choose the particular period which was most convenient to all classes of the public. The season of harvest was not the time really selected, but the period immediately after the harvest. ["No!"] If anybody thought that was not the case he should be happy to consider any suggestions supported by evidence to the contrary; but no such suggestions had reached him except in the form of this Motion. The history of the manœuvres of last year was extremely strong as an argument in favour of the proposal of the Government. He saw opposite his right hon. Friend (Sir John Pakington), who was present at the manœuvres last year, and who knew all the particulars. Last year's harvest was unusually late, and he had been very much pressed by some gentlemen to postpone the manœuvres until the 23rd of September, instead of allowing them to commence on the 9th, as he did. It was not without reluctance that he postponed them to so late a date as the 9th. What happened? They had the most beautiful weather, which contributed very much to making the manœuvres a great success. But on the 23rd of September a deluge of rain came on, which lasted for many days, and which had it fallen during the time of the manœuvres would have occasioned the greatest possible disappointment. What was the result agriculturally? The whole damage had been covered by a sum of £1,000. Was that any proof of injury to any agricultural interest? By the advice of the same eminent land surveyor by which he was guided last year he proposed to hold the manœuvres this year about one week earlier—that was to say, to begin on the 31st of August; and he had been assured there was no reason for apprehending that the damage to the farmers would be larger this year than it was last year, and in that point of view the agricultural interest of the district received no injury at all. He would not venture on the hazardous though ambitious office of weather prophet, or predict on the 28th of May what the

Mr. Cardwell

weather would be in August or September. But in the region where they proposed to hold the manœuvres—namely, Salisbury Plain, the harvest last year, which had been exceptionally late, was over the first week in September. He had no object in view except to consult the general convenience. As to consulting the convenience of the rich rather than of the poor, the hon. Gentleman in making himself a tribune of the people to protect the interests of the poor would carry him along with him. What was really the state of the case? He supposed he was right in tracing the origin of this Motion to an invitation which had been given to the Hertfordshire Militia to join the manœuvres. The military authorities were desirous of making these manœuvres generally representative. He would have been glad that they could have gone to some parts of Ireland or Scotland for the scene of the manœuvres. He had made inquiries, and had found that the balance of advantages was in favour of the present proposal. The next point for consideration was how to make all parts of the country take an interest in the manœuvres. They had invited Militia and Volunteers from Scotland and Ireland, and among other counties they had thought Hertfordshire entitled to notice. Unfortunately for themselves they determined to pay Hertfordshire the compliment of inviting its Militia to join the manœuvres. The colonel of the regiment was very glad, but some agriculturists took the alarm. The moment the military authorities heard that, they released the Hertfordshire Militia from the engagement into which they had improvidently entered, thus forfeiting the advantage to be derived from their presence. All he could say was that the authorities had chosen the most convenient time, when the harvest would in all probability be over, and if the hon. Member were to consult the records of the weather for past years he would find that what had proved to be the most favourable season generally had been selected. If the time recommended by the hon. Gentleman had been chosen, he would find that the weather then had been usually most unfavourable.

SIR JOHN PAKINGTON willingly answered the appeal made to him by his right hon. Friend. So far as he could judge as a spectator, nothing could be

more successful than the manœuvres of last year, and he heartily wished that the meeting of the present year might be attended with equal success. But his right hon. Friend had used rather an odd argument with regard to the weather. His right hon. Friend said that, as last year they did not meet till September 9, when the weather was charming and the manœuvres entirely successful, therefore they should not meet at the same time this year, but some time earlier. [Mr. CARDWELL: A week earlier.] Last year the manœuvres began on September 9—this year they were appointed for August 31. If this were only a week, he did not take quite the same view as his right hon. Friend of the number of days which made up a week. No doubt the Secretary of State, in making an arrangement of this sort, had to balance various considerations between which it was not easy to decide; but he was rather surprised to find that his right hon. Friend did not follow the precedent of last year. Judging from his own experience, there were few years when they would find the harvest over by the 31st of August. It was desirable to avoid, as far as possible, any unnecessary risk of creating unpleasant feelings by interfering with the harvest; and, looking to the usual course of weather and harvesting, a week or 10 days later than the 31st of August would avoid this unpleasantness, and would not incur greater danger from bad weather.

COLONEL PARKER regretted that the right hon. Gentleman was not prepared to accede to the reasonable proposal made to him by the hon. Member (Mr. Dimsdale). Some years ago, when it was proposed to call out the Militia early in July, the agriculturalists represented to the authorities the great loss that would result therefrom, and the result was that the order was countermanded. He appealed to the right hon. Gentleman to adopt a similar course in this case, and meet in some way the views of the agricultural interest. The 12 months' labour of the farmer was about to be jeopardized. He should naturally sympathize with the military if encamped in bad weather; but sympathized more so with those whose whole year's labour depended upon the success of the harvest. The military had experienced no very great inconvenience from a few wet days at the end of August or

beginning of September; but it would have a damaging effect on the farmer when shorthanded, for what farmer would like a sprouting barley crop with the malt duty unrepealed? The labourer would also be deprived of earning his accustomed increase of wages at harvest, and be thereby prevented from making his usual savings for the winter. He hoped it was not even now too late to make some modification in the existing arrangements.

MR. WINGFIELD BAKER said, the Militia were being called out in April and May, when the labourer was earning his 15s. or 18s. a-week in hoeing the land. They drew him away from this lucrative employment, paying him as a Militiaman only 13s. 4d. a-week, and so entailing upon him a loss of from 1s. 8d. to 4s. 8d. Besides this, the employer was often obliged to get his crops hoed at an increase of price, paying 7s. 6d. or even more per acre, instead of some 5s. The corn crop, too, was often damaged to the extent of a quarter per acre. There were 7,000,000 acres under cultivation; and assuming that half the number of Militiamen called out were withdrawn from hoeing the crops, and supposing each man during his five weeks' training would have hoed 12 acres, he reckoned that the loss to the country would be about £1,500,000. In the county of Essex a great loss would be occasioned if a number of men were withdrawn at a moment when it became necessary that the land should be hoed, and serious detriment would be done to the crops. He might also observe that a consequence of the men being withdrawn at such a time from their occupations was, that the Militia became unpopular with both the labourers and the employers, and that injury was thus done to the general interests of the country. He trusted, therefore, his right hon. Friend the Secretary of State for War would give the matter his serious consideration.

MR. A. SMITH thanked the right hon. Gentleman for the attention which he had paid to the Question which he had addressed to him with respect to the training of the Hertfordshire Militia. It would be a serious loss to the farm labourer to be deprived of the £6 or £7 which he might earn during harvest time. He trusted that the right hon. Gentleman would listen to the appeals

addressed to him, and would postpone the manœuvres for a few days.

MR. NEWDEGATE, speaking for the Midland counties, said the period of harvest was considered of more importance than the time of wheat-growing, and inasmuch as harvest there was not over before the end of the first week in September he trusted the right hon. Gentleman, if he desired the attendance of the Militia of those counties at the Autumn Manœuvres—and they were quite willing to serve—would consider the representations which had now been made in favour of deferring the manœuvres to the time to which they were deferred last year with so much success.

Lord HENRY THYNNE said, he hoped his hon. Friend would divide the House unless an assurance were given on the part of the Government that the Autumn Manœuvres would not be held until after the harvest had been completed. The harvest was very rarely over till after the middle of September, and if the manœuvres came off before that time great harm would be done, if not by the troops themselves, by the camp followers. The right hon. Gentleman said that the one great object of the manœuvres was to bring the Volunteers and the Militia into conjunction with the Regular Army; but he might inform him that, owing to the time which had been fixed on this year, the Wiltshire Militia had declined to attend because they could not leave their occupations. The Yeomanry, too, would find it impossible to leave their farms while the harvest was going on. He might add that, although the amount of damage done last year was small, the county in which the manœuvres were held was very different from that in which they were to come off this year.

SIR HENRY STORKS said, with regard to any inconvenience which might attend the calling out of the Militia at a particular time of the year, that the Inspector General took the precaution of making local inquiries on the subject before any period was decided upon by the Secretary of State for War. That was the invariable practice. As to the objection that Militiamen, when called out, lost money which they would have otherwise earned by agricultural labour, he might remark that the services of the Militia, like those of the regular soldiers, were perfectly voluntary, and the

Mr. A. Smith

War Department experienced no difficulty in finding men on the present terms, nor was there any complaint made on the part of the men. With reference to the rate of labourers' wages, that would depend upon the general principle of supply and demand which always regulated it. At the same time, the Secretary of State for War had given instructions—and they had been carefully complied with—to the effect that every consideration should be paid to local interests. The difficulties which his hon. Friend (Mr. Wingfield Baker) had mentioned as affecting the agricultural interest in Essex did not appear to arise from the calling out of the Militia there. With regard to the observations of the hon. Member for North Warwickshire, the 2nd Staffordshire Militia, so far from being unable to attend, had requested permission to be at the manœuvres, only expressing regret that the invitation had not arrived earlier. As regarded the Motion before the House, he had to assure it, on behalf of the Government, that what had been said that night would receive their full consideration, and without pledging the Secretary of State for War in any way to a departure from his present arrangements, he was authorized to state that his right hon. Friend had every desire to meet the wishes of all persons concerned as far as possible.

MR. GREENE said, he thought the right hon. Gentleman the Secretary of State for War had been very unhappy in his selection of the 31st of August for the commencement of the Autumn Manœuvres, and, though no very large damage might be done, still the "indirect claims" growing out of the abstraction of labour from farming operations at this period of the year must not be overlooked. If further time had been allowed, as in last year, no one would have had a right to complain; but the hon. and right hon. Gentlemen on the Ministerial side of the House seemed to think that the interest of agriculture was hardly worth considering. The case of the Staffordshire Militia was not in point, because they were composed of miners, who could be spared from their work, and not of farm labourers. He trusted that the hon. Member who brought forward the present Motion (Mr. Dimsdale) would divide the House on it, and let the country see that there

was not on the benches opposite a practical Government, nor one which had any consideration for the great interest which supplied the food of the nation. No doubt it was important to have a well-organized Army; but it was also important, in settling the time when the men should assemble for the manœuvres, to fix a period when they could meet together with the least inconvenience. The present Government, however, if they could find one time more inconvenient than another, would select that period.

COLONEL CORBETT considered it important that the Militia regiments to be called out for the Autumn Manœuvres should not have their previous training curtailed; but if they got a fair drill first, then he thought they would be in a condition to receive much improvement from the manœuvres afterwards.

COLONEL WILSON - PATTEN said, that the Militia regiment with which he was connected had been summoned to the Autumn Manœuvres, and he did not find that there was any objection to attend. On the contrary, the proposal to take part in them was very popular; but that was not the whole of the question. At the present moment the price of labour was increasing, and the farmers were becoming alarmed lest their labourers should be taken away at a period when they were most wanted. However, the House had received from the Government an assurance that the appointment of the exact day when the manœuvres should be commenced would be reconsidered, and he would venture to suggest to the hon. Member for Hertford (Mr. Dimsdale) not to divide the House, but to accept that assurance. He trusted that the same course would continue to be pursued with respect to Militia training which had been followed up to the present time, and that the men and officers would be consulted as to what would be the most convenient time for being called out. In his county (Lancashire) the same period did not suit all regiments, and the Secretary of State for War had, in compliance with the suggestions of the commanding officers, allowed some difference of time in the calling out of the various corps.

MR. CARDWELL said, he had been entirely misunderstood by the hon. Member for Bury St. Edmund's (Mr. Greene). The authorities had consulted

the convenience of all parties, as far as they were aware. He had endeavoured to ascertain the wishes of agriculturists, and, as far as the information he had received went, there appeared to be general concurrence of opinion as to the convenience of the time selected. The authorities had no other object but to choose the most convenient period, and they were ready to reconsider the matter with the view of ascertaining what would really be the most convenient time, and he would state the result when he brought forward the subject again.

MR. DIMSDALE inferred from the debate that there was no practical objection to his Motion, which stated that the manœuvres ought not to take place at harvest time, and he should, therefore, press it to a division.

MR. DISRAELI must say that after the remarks which had fallen from the right hon. Gentleman the Secretary of State for War it would be hardly necessary to press the House to divide on the Motion of his hon. Friend; for the House knew what those remarks meant—namely, the right hon. Gentleman felt that much had been urged by hon. Members which was worthy of attention, and when he brought forward his Bill on the subject the House would see the results of the conversation to-night. For his own part, he should regret not to vote for the Motion of his hon. Friend, because it was one founded on sound principles; but since the declaration made on the part of the Government, he thought it would be a want of courtesy on the part of hon. Gentlemen on that side of the House to press for a division.

MR. DIMSDALE then consented, in consequence of the appeal just made to him, to withdraw the Motion.

Motion, by leave, *withdrawn*.

SOUTH AFRICA.—RESOLUTION.

MR. R. N. FOWLER, in rising to call attention to the affairs of South Africa, and to move—

“That, in the opinion of this House, it is desirable that facilities should be afforded, by all methods which may be practicable, for the confederation of the Colonies and States of South Africa,”

said, that at present there were in that quarter of the world a great variety of interests, and if a confederation of States could be brought about rivalry would

be put an end to, and great advantage result to the people themselves. The question of confederation had already been discussed in that House, and it had been a great deal discussed in the South African colonies, as was evident from the Papers that had been presented on the subject. One question which had created much discussion, and on which the most eminent statesmen of this country had given their opinion, was that of responsible government in the Cape Colony. He ventured to urge on the Government that if they were to introduce responsible government it should be on a large scale, comprehending all the colonies of South Africa. That part of the world was now split up into several States, which were sometimes placed in a position of rivalry by a conflict of interests, and their individual interests would be very much promoted by confederation. Governor Sir George Grey, when Governor of the Cape of Good Hope, wrote a remarkable letter to the then Secretary of State for the Colonies, the present Lord Lytton, forcibly urging the confederation of the South African States on the plan which had since been carried out in North America; and the wisdom of the words he used had been vindicated by everything that had occurred in South Africa from that time to this. His Excellency said—

"The defects of the present system appear to be that the country must be always at war in some direction, as some one of the several States in pursuit of its supposed interests will be involved in difficulties, either with some European or native State. Every such war forces all the other States into a position of an armed neutrality or of interference. For if the State is successful in the war it is waging, a native race will be broken up, and none can tell what territories its dispersed hordes may fall upon; nor can the other States be assured that the coloured tribes generally will not sympathize in the war, and that a general rising may not take place. Ever since South Africa has been broken up in the manner above detailed, large portions of it have always been in a state of constant anxiety and apprehension from these causes."

In South Africa there were five States—the Colonies of the Cape of Good Hope and of Natal; Western Kaffraria, which was entirely surrounded by British territory, and which must be considered in any scheme of confederation; and the two Republics which, unfortunately, had been allowed to separate themselves from Britain—the Transvaal Republic, which left us in 1852, when the colonies were under

Mr. R. N. Fowler

the administration of the right hon. Member for Droitwich (Sir John Pakington), and the Orange Free State, which separated from us two years later, under the Colonial Secretaryship of the Duke of Newcastle. In the Papers just presented to Parliament, Sir Henry Barkly alluded to the question of confederation, and seemed to advocate it for the Cape and the Orange Free State. Recently, in "another place," there had been a discussion on the desirability of giving the Cape of Good Hope responsible government; but it was a very different question whether responsible government should be given by a large scheme of confederation such as that which he suggested. With regard to Natal, he wished to pay a passing tribute to the Native Minister, Mr. Shepstone, to whom the colony and this country were deeply indebted for his exertions in maintaining satisfactory relations with the Natives, and he hoped that Her Majesty's Government would place that gentleman in a position which would enable him to carry out his views for the improvement of the Native races, who were in excess of the White population. In Natal, Mr. Welbourne had proposed a scheme of railway communication with the Free State, which had the support of the Legislative Council, and of all the most influential men in the colony, and which could be carried out without a tunnel, and without a greater gradient than 1 in 32. This line seemed to be recommended by very weighty considerations. The state of locomotion in Natal was very bad indeed. The present roads were mere tracks; waggons were often detained three or four weeks; during the last dry season 4,000 head of cattle perished of overwork and want of sustenance; and the transport of sugar 40 miles from the county of Victoria, which produced from £200,000 to £250,000 worth of sugar yearly, cost double its freight from Natal to London. This state of things could not fail to exert an injurious influence on the colony, and showed the pressing necessity of railways, which here, as in America, ought to be constructed even before roads. There were 350,000 Kaffirs who had been gradually trained to habits of industry; their productive toil was absolutely paralyzed; and with improved communications their thousand ploughs might be multiplied by ten. The unani-

mous support which the railway scheme had received in the colony entitled it to the attentive consideration of the Secretary of State, and should make the Government hesitate to exercise its power of veto. The Papers contained a curious correspondence with regard to a gentleman who came to this country as the Envoy of the Orange Free State, and who claimed, as the representative of an independent State, to confer with the Foreign Secretary; but it appeared that Her Majesty's Government very properly held that the relations between that State and the Mother Country ought to be dealt with by the Colonial Office. A question arose as to whom the diamond fields belonged, and the Orange Free State wished to have it referred to arbitration. It was suggested that three Commissioners should be appointed by each party; but the Orange Free State urged that there should be a power of appeal to some independent authority. To this proposition the Earl of Kimberley most properly objected, on the ground that England could not allow the question of her relations with South Africa to be interfered with by any foreign Power. Recently a rumour had reached him that the matter they had urged should be referred to the Dutch Minister in London; but he could not doubt that Her Majesty's Government would pursue the policy which the Earl of Kimberley had indicated. With regard to the South African Republic he might mention that he had seen a letter written by a minister of the Dutch Reformed Church, who said the state of affairs had greatly altered there, and that public opinion was now against slavery and wars with the Native races. He trusted the hon. Gentleman the Under Secretary for the Colonies would be able to give information confirmatory of this statement. On former occasions he had called the attention of the House to the great atrocities connected with the system of "comanches," which, in point of fact, was but another name for carrying children into slavery; but he was glad to learn that this practice was greatly on the decrease. The Rev. F. Leon Cachet, a clergyman of the Dutch Reformed Church, residing at Utrecht, in the Transvaal territory, says—

"Slavery in the Republic has received its death-blow. Notwithstanding the activity of our

Government, notwithstanding the efforts of the enemies of justice, slavery in the Republic is dying out—never to be revived. The better-minded majority is having the upper hand over the evil minority."

As regarded the diamond fields, a number of proclamations by Sir Henry Barkly, the Governor of the Cape, were printed in the Parliamentary Papers, and they showed the great wisdom with which Sir Henry had endeavoured to settle the affairs of that country. There was, however, one point on which he trusted the Under Secretary would furnish additional information. A paper which had been sent to him by Sir Fowell Buxton contained a report of a meeting held in the diamond fields, at which a resolution was passed to the effect that when any person purchased diamonds from a native, such native should receive 50 lashes in the public market-place. Such a punishment was most severe and unjust, and he felt assured Her Majesty's Government and Sir Henry Barkly would use their utmost exertions to prevent its being inflicted. He was glad to see the Government had given their support to the eminent statesman who now administered our affairs in South Africa. Sir Henry Barkly had distinguished himself in every part of the world, and it was very fortunate that he should now be able to govern our dominions in South Africa. In conclusion, he expressed a hope that it might be Sir Henry's good fortune to establish in South Africa a system of government similar to that by which our North American Colonies had been united. Everybody must have been gratified at the proofs given during the last few days of the attachment of our North American Colonies to their Sovereign and to the Mother Country, and he trusted the result of the exertions of Sir Henry Barkly and of the Government might lead to a similar satisfactory state of things in South Africa. The hon. Gentleman concluded by moving his Resolution.

MR. W. M. TORRENS seconded the Motion.

Motion made, and Question proposed,

"That, in the opinion of this House, it is desirable that facilities should be afforded, by all methods which may be practicable, for the confederation of the Colonies and States of South Africa."—(Mr. Robert Fowler.)

MR. KNATCHBULL - HUGESSEN said, he thought he should be able to make a few remarks which would give some satisfaction to his hon. Friend and all those who were interested in this important question. He must point out, however, that the course pursued by his hon. Friend was somewhat inconvenient, as he had originally given Notice of his intention to discuss the affairs of South Africa generally, and it was not until last evening that he gave Notice of the particular subjects he intended to submit to the consideration of the House. So impressed were the Government with the desirability of attaining the object desired by the hon. Gentleman that they were willing to waive their usual objections to abstract Resolutions of this character, and to accept his Motion. His noble Friend at the head of the Colonial Department had stated in public despatches his willingness to accept the principle of confederation which was now occupying the attention of the colony. If the colony should adopt this principle, it would probably be necessary by Imperial legislation to empower the Cape Legislature to create provincial assemblies, and to vest powers of legislation in such assemblies, leaving the Colonial Legislature to pass a law embodying the necessary details. He did not propose at this moment to enter into this vast question of the desirability of adopting responsible government at the Cape, because Her Majesty's Government had expressed in public their opinion as to its desirability, and would now confidently leave the subject to be discussed by the Cape Colony. Some little time ago there was sent to this country what purported to be an address of the Governor of the colony in reference to this subject, but which was, as a matter of fact, a hoax. He hoped speedily, however, to present to Parliament an authentic report of what the Governor said. The question of responsible government at the Cape stood in this position at the present moment—Some years ago Sir Philip Wodehouse made a proposal to the Assembly in the direction of giving more power to the Crown and less to the people of the colony, but this was rejected by the Cape Parliament. As the colonists refused to approximate themselves to the position of Crown colonists, the only alternative was to adopt a system of responsible

government, the present system having proved unworkable; but this was rejected by a small majority of the Legislative Council. In opening the present Session of the Colonial Parliament, the Governor said that, having now had time to form an opinion as to the direction which legislative reform in the colony ought to take, he was convinced of the thorough fitness of the colonists to be entrusted with the management of their own affairs, and had no doubt that responsible government might be safely adopted in the colony, and that its adoption was most desirable. With regard to another branch of the question, he had no doubt that federation and responsible government ought to go together, and he felt sure, further, that the more fully this question was discussed, both at home and in the colony, the more strongly would public opinion take the direction to which he was alluding. He did not intend to go into the vexed question between the Orange Free State and Transvaal Republics and the government of Cape Colony; but the Orange Free State especially must suffer from the present state of things, by which she was cut off from the sea and had to import everything through the Cape Colony, and he could not but feel that it would be to the advantage of both these Republics if they were again brought under the jurisdiction from under which they ought never to have gone. This question was, however, one which would gain nothing by premature discussion.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

MR. KNATCHBULL - HUGESSEN resumed his observations. He said Her Majesty's Government were desirous to promote a system of federation in the belief that it would be most conducive to the best interests of the colony. The question of railways was one of very considerable importance to the whole of South Africa, and particularly of Natal, which had suffered much from the want of means of internal communication. A scheme proposed by Mr. Welbourne had occupied much attention in the colony for six months past, and opinions in its favour had been pronounced. Her Majesty's Government thought it desirable, as a general rule, that a scheme of so great magnitude ought to be undertaken

by the Colonial Government, and not by a subsidized company; but there were some peculiar circumstances connected with Natal which had caused a somewhat different conclusion to be arrived at in the present case. The Earl of Kimberley, in a despatch which was then on its way to the colony, used these words—

“There are powerful reasons in favour of a colony undertaking to construct and work the railways which it may require, rather than placing them in the hands of a company receiving assistance from the State in the form of a subsidy or other special concessions. The position of Natal is, however, in some respects exceptional, and, after considering the extent to which it would be practicable for the colony at the present time to proceed at once with the construction of the projected railways as Government works by means of moneys borrowed on the security of the public revenue, I have come to the conclusion that the greatest number of miles of railway which could be thus constructed would be so limited that the railways would fail to command a remunerative traffic; and thus, while the colony would be imperfectly provided with means of communication, it would be committed to a very heavy annual charge for interest, with no certain prospect that the railways would either directly or indirectly produce an equivalent return. Her Majesty's Government feel bound to pay great attention to the deliberative opinion of the Legislative Council, which has the advantage of thorough local knowledge, that nothing short of the simultaneous and immediate construction of a comprehensive system of railways will suffice for the present requirements of the colony.”

The Earl of Kimberley then went on to state the division of responsibility between the Home and Colonial Governments, and, adverting to the careful consideration of the subject by the latter, and their reiterated opinion, added that, under all the circumstances, he should not be justified in refusing to entertain the proposal that Natal should resort to the same means through which many great railways had been successfully established in other countries—namely, to a subsidized company. [Mr. GILPIN desired to know whom the hon. Gentleman was quoting?] He was quoting the Earl of Kimberley. His noble Friend then went on to state that he required certain things to be done which did not appear to be provided for in the scheme, and certain details which were necessary to be arranged. Now that the principle had been conceded, he trusted it might be found easy to arrange those details so that no great delay might arise. The Government had in this instance done

what he believed to be their duty; they had departed from the ordinary rules upon which they acted for the purpose of meeting the special circumstances of Natal. One very proper stipulation, he might add, had been made by his noble Friend, and that was that, before the undertaking should be sanctioned, a company should be properly formed and should prove its capability of carrying out the work before the colony was finally committed to it. He hoped that he had given sufficient evidence of the desire on the part of the Colonial Department to promote the interests of South Africa, and that he had shown that, whether in regard to the great question of federation or to that of railway communication, they had no wish to thrust their opinions upon the colony, but that their object was in this, as in all other matters, to consult the feelings and wishes of the colonists themselves.

Mr. GILPIN expressed his thanks to the hon. Gentleman who had just spoken for the course he had adopted in reference to this matter, and said that, in his opinion, even the brief discussion which they had had that evening would exercise a wholesome influence on the colonies, and would prove that the House of Commons was not indifferent to them. If he was to take exception to anything said by his hon. Friend it would be to his allusion to the railways. He considered that the colonies were themselves the best judges of such matters, and while the Colonial Office were no doubt right in laying down certain preliminary conditions, yet it seemed to him that if a colony were agreed in favour of a particular plan, that the great probability was that was the plan which ought to be adopted. Undoubtedly, the whole of Natal was in favour of Mr. Welbourne's scheme. Even the two Bishops, who could not agree in directing the people which road to take to Heaven, could yet agree as to the best mode of sending them to the gold-fields. The rival Bishops had signed a memorial in favour of this line, and it was probably the only document they had both signed since the signature of the Thirty-nine Articles. He knew personally that there was the strongest wish for the carrying out of this scheme, and he rejoiced that the Government was prepared to sanction it under certain conditions.

MR. EASTWICK would be glad to learn when his hon. Friend proposed to lay these Papers upon the Table.

MR. W. M. TORRENS also desired to acknowledge with feelings of gratitude the manner in which his hon. Friend (Mr. Knatchbull-Hugessen) had dealt with this question, and expressed his conviction that the proceedings of that evening, when they came to be read in the colony, would be productive of real good. He thought that it was a matter of congratulation that they had at the head of the colony at this juncture of affairs such a Governor as Sir Henry Barkly, in whose good sense, discretion, and vigour, he had the greatest confidence. For one, he cordially concurred in all his hon. Friend had said as to the necessity of guarding against any hasty decision, especially as in a colony circumstanced like Natal it might be possible for the colony to be surprised into a premature or improvident arrangement. He congratulated his hon. Friend on his good fortune in having initiated a change of policy in relation to South Africa, and looked forward to the future with much satisfaction.

MR. M'ARTHUR expressed the great satisfaction with which he had listened to the speech of the Under Secretary for the Colonies, which would afford much gratification in South Africa, and especially that part of it relating to the railway, for no better assistance could be given to our dependencies than by developing internal communication.

Motion agreed to.

METROPOLIS—QUEEN SQUARE, WESTMINSTER, AND ST. JAMES'S STREET.

RESOLUTION.

MR. CAVENDISH BENTINCK rose to move the following Resolution:—

"That, in the opinion of this House, it would conduce to the convenience of the public if a carriage communication were opened between Queen Square, Westminster, Birdcage Walk, and St. James's Street."

As it was very probable some Official would get up and move that the House be counted before he had proceeded far with his remarks, he should make them as brief as possible. In 1869, when Mr. Layard was Chief Commissioner of Works, he (Mr. C. Bentinck) had brought up this question, and suggested that a suspension bridge should be erected over

the Ornamental Water in St. James's Park, which would shorten the route to the House by no less than 500 yards. Nothing, however, was done. On a later occasion, since the present Chief Commissioner had taken office, he again raised the question in a modified form, proposing that a carriage communication should be established by the road already existing between Marlborough House and Storey's Gate. He regretted that no record of his Question or of the Chief Commissioner's Answer appeared in *Hansard*, although they were given at length in the newspapers next morning; but the answer was that he could not entertain any proposition to make a permanent thoroughfare through St. James's Park; but as it was contemplated to stop up part of King Street, and obstruction might therefore arise to the passage of Members through Parliament Street, he proposed the formation of a temporary road through St. James's Park. Later in the Session, however, the Chief Commissioner, in answer to the hon. Member for Cricklade (Mr. Cadogan) stated that it did not then appear that King Street was likely to be stopped up; that it was desirable to see the effect of the Thames Embankment in relieving the traffic through Parliament Street; and that, under existing circumstances, it was not desirable to interfere with the arrangements in regard to St. James's Park unless it should be found to be absolutely necessary. In March last Session the noble Lord the Member for Cambridge (Viscount Royston) again brought the subject under the notice of the House; and moved an Address to the effect that the road by the east-end of St. James's Park might be opened for carriage traffic from Marlborough House to Storey's Gate. The Chief Commissioner, in reply, said that no present necessity had arisen for making a public thoroughfare through the Park; but that King Street being now shut up such a contingency as he had contemplated last Session had occurred, and the opening of such a road would be a convenience to hon. Members; but the road would be opened for the convenience of Members only. He (Mr. C. Bentinck), however, went back to his original plan, which had been approved by Sir Benjamin Hall. The bridge would only be 800 feet, and the estimated cost was £25,000. The scheme had commended itself to the late Sir

John Thwaites, to the Duke of Somerset, and to the right hon. Baronet the Member for Morpeth (Sir George Grey), all of whom were in its favour. It had been objected to on the ground that the Imperial taxation was asked to pay for an object which benefited local interests. He maintained strongly that that was not so. London improvements were always of great advantage to country visitors, and especially those improvements which promoted facilities for getting better access to the various railway stations. Another scheme would be the removal of the gates and iron railings at Queen's Square, the expense of which the inhabitants had offered, so long ago as the 8th July, 1868, to defray themselves, after asking the Ranger for his sanction to the formation of the carriage roadway. They received a generous answer, referring them to the Chief Commissioner of Works.

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at a quarter
before Eight o'clock
till Thursday.

HOUSE OF COMMONS,

Thursday, 30th May, 1872.

MINUTES.]—SUPPLY—considered in Committee—Resolutions [May 27] reported—NAVY ESTIMATES.

PUBLIC BILLS—Ordered—First Reading—Mine Dues * [177].

Second Reading—Oyster and Mussel Fisheries Supplemental (No. 2) * [172]; Alteration of Boundaries of Dioceses * [170].

Referred to Select Committee—Tramways Provisional Orders Confirmation (No. 3) * [148]; Tramways Provisional Orders Confirmation (No. 4) * [155].

Committee—Report—Act of Uniformity Amendment [136]; Public Health (Scotland) Supplemental * [162]; Charitable Loan Societies (Ireland) * [167]; Elementary Education Act (1870) Amendment * [175].

Committee—Report—Considered as amended—Third Reading—Pier and Harbour Orders Confirmation (re-comm.) * [142], and passed.

Considered as amended—Gas and Water Orders Confirmation (No. 2) * [141].

Third Reading—Parliamentary and Municipal Elections [160]; Infant Life Protection * [146], and passed.

ALL SAINTS CHURCH, CARDIFF, BILL.
[Lords.] (By Order.)—SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed.
“That the Bill be now read a second time.”

MR. DILLWYN, in rising to move that the Bill be read a second time that day six months, said, there was a very large Welsh-speaking population in Cardiff. Most of the people in Wales were Dissenters; but there was also a very large body of Church of England people. The want of a Welsh church exclusively devoted to Welsh-speaking people had been very strongly felt in Cardiff about 18 years ago, and the trustees of the Marquess of Bute, at the instance of the Marchioness, built a church expressly for the Welsh-speaking people. It was admitted that that was the object of the church; and the Communion Service had been given by Lady Bute, with a Welsh inscription upon it, which was a proof that the church was intended only for those Welsh inhabitants of Cardiff who were unacquainted with the English language. From various causes the congregation had dwindled away very much. One cause lay in the character of the population, which had very much changed; but he believed the leading cause was, that the gentleman appointed to the ministration in the church was not a Welshman, but an Englishman who had learned the Welsh language, but did not speak it as a native-born Welshman would. He hardly knew the name of the incumbent; but was credibly informed that he did not address the congregation in the manner they liked. The consequence was, he had lost his congregation. A similar case had happened in Liverpool, where a Welsh church had fallen away from a like cause; but they had got a proper Welsh clergyman who understood the language, and the church had been filled. In Cardiff, if a Welshman were appointed to the church the result would probably be the same. The present Bill was promoted by the Marquess of Bute and the incumbent, and his Lordship was desirous of getting the church. The question was, whether the House should agree to a Bill which proposed to hand over the church to the Marquess of Bute. It was, no doubt, intended to convert

this church into a Roman Catholic place of worship, and to carry on the Welsh service elsewhere; but the Welsh service so conducted was to take its place by the side of the English, with the invariable result of being shunted on one side. The proposal was one strongly resented by the Welsh people, and as the House very rarely had a Welsh grievance brought before it, he trusted that this particular one would receive the consideration to which he believed it was fully entitled. The people who were interested in this matter were poor, and could not afford the expenses which would attend an opposition upstairs. Such a measure as this, disestablishing a part of the national institutions, ought, in his opinion, not to be brought in as a Private Bill, but should be introduced as a public measure. He was in favour of disestablishing the Church in Wales; but objected to dealing with public and national institutions by Private Bill legislation. The hon. Gentleman concluded by moving his Amendment.

MR. OSBORNE MORGAN, in seconding the Amendment, protested against an attempt to smuggle this Bill through the House as a Private Bill. No Bill which dealt with a great public question and on public principle ought to be treated as a Private Bill. This Bill was nothing more than an attempt on a small scale to disestablish the Welsh Church, not in the interests of the Non-conformists or of the people of Wales, but in the interests of the Roman Catholics, and the English-speaking section of the Church of England in Wales. The population for whom the church was intended consisted chiefly of dockyard labourers, common seamen, and marine storekeepers, and if his hon. Friend (Mr. Dillwyn) had not taken up their cause they would have been smothered under the ecclesiastical tyranny which proposed to deprive them of their church. They had done what they could, for he had himself presented a Petition against this Bill, signed by 1,300 persons. It should be remembered, moreover, that at the lowest computation there were 20,000 people in Cardiff who preferred the Welsh language to the English. To say that they kept up 12 chapels in Cardiff, and did not care to attend All Saints', was a very strong argument against the Established Church in Wales, but no argument in favour of

Mr. Dillwyn

this Bill. This was the first time since the Reformation that it had been proposed to sell a Protestant church to the Roman Catholics. The site was selected by the late Marchioness of Bute as the very best that could be obtained for the purpose, and the cause of the scanty attendance arose from the fact that the incumbent had not succeeded in learning the Welsh language. The proposed purchaser of this church was a Roman Catholic nobleman, the Marquess of Bute, who could put his hand upon any spot in Cardiff, and set it apart for a Roman Catholic church. Why, then, should he spare his flocks and herds and lay his hands upon this little ewe lamb? He, for one, would do all in his power to obstruct this compact between a Peer who had abjured the religion of his fathers and a Bishop who did not understand the language of his flock.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Dillwyn.*)

MR. NEWDEGATE said, that during some years he had had a good deal of information respecting the working classes in Wales; and his connection with the Principality arose from the fact that a valued relative of his was Chancellor of the diocese of St. David's, and he felt confident that the sale of this church would produce a most evil impression amongst the working classes. If there were any great occasion for the sale it might be excused; but the only palliation of the proposal seemed to be that it was a matter of convenience. The Bishop of Llandaff had been induced to consent to the sale of the church by the Marquess of Bute, the church having been founded, and given to the locality, by the late Marchioness of Bute. Why was this proposal made? Because the Marquess of Bute, having changed his religion, refused to endow this Protestant church. Who could expect that he would do so? But what was the plea? The plea was this—that the district was inhabited by a colony of Irish Roman Catholics. Well, but supposing that Irish Roman Catholics had collected in this district, was it to be held that, wherever there was a colony of Irish Roman Catholics, the Church of England was to be sold to them? But that was the principle of the Bill; and it was

a great principle which was involved in the Bill. It was the principle upon which the majority of them had disestablished the Irish Church. The application of this principle was, in the present instance, on a small scale; but that made no difference in the principle—the principle in this case was the same as in that of the Established Church. He was prepared to show how it was so. Why was the Irish Church disestablished? Because it was a Missionary Church; and were they to entabish now in England the principle that the Church of England was to be deprived of every fabric which harboured a small and therefore a missionary congregation? That was the principle involved, and it was a principle to which he, for one, objected, because he knew that it grated upon the feelings of the English people. What had they heard in respect of Wales? The right hon. Member for Birmingham (Mr. John Bright) went down to Wales, and proposed the disestablishment of the Church of England in Wales; and why? Because he knew—and he (Mr. Newdegate) was sorry to say the right hon. Gentleman was right—that the conduct of the Church in Wales, where it was ritualistic, had alienated the Welsh population. Could any means be conceived more calculated to increase that feeling of alienation than the sale to the Church of Rome of a church belonging to the Church of England, expressly founded for preaching in the Welsh language? He could not, for his own part, conceive an act of greater impolicy, or one more calculated to increase the feeling of alienation which had already spread among the Welsh people, as against the Church of England.

COLONEL STUART, in supporting the Bill, said, that 18 years ago, when the church was founded, the district was one of fields and moors, but was now inhabited chiefly by an Irish Roman Catholic population. He believed it would be of great convenience to the Church of England workmen that they should have a church in a more convenient place. The whole of the clergy of the Established Church doing duty in Cardiff had petitioned in favour of the Bill, and he hoped the House would pass it.

MR. GOLDNEY gathered from the Bill that the site of the church had been

given by the late Marchioness when the docks were in formation, the expectation being that there would be Welsh labourers in the locality, and it was thought desirable that there should be a church for them where the service was conducted in their own language. But the facts had altered. Instead of a Welsh population going to the place it had been inhabited by an almost exclusively Irish Roman Catholic population, and it was now wanted to remove the church to a place where the Welsh population would attend it, which they did not do at present. This principle had been carried out in London, where churches had been removed from inconvenient to convenient sites. In the present instance the person who had built the church asked that it might be transferred to a place where the people would attend it. He (Mr. Goldney) was not aware that the congregation had fallen away solely because the clergyman was not a Welshman; and he believed that one great cause was that the population of the district in which the church was situated belonged to a totally different persuasion. He therefore hoped the Bill would be read a second time.

MR. BRUCE said, it had been his happy duty on very many occasions to co-operate with the Bishop of Llandaff, and he was satisfied, from his intimate knowledge of the character of the Bishop, that he would never have sanctioned the present measure if he had thought that it would have the slightest influence for evil on the Church among the Welsh-speaking population of the diocese. And when he found the whole of the clergy in Cardiff—many of whom were Welsh of the Welsh—and many of the laity, in favour of the Bill, he confessed there were strong *prima facie* reasons in its favour. Acting in accord with the Marchioness, the Bishop determined that the experiment should be tried of devoting the church exclusively to the Welsh-speaking people. It had been planted in a thinly-peopled part of the town; but the population of the town had since doubled, and the district was now inhabited by Roman Catholics. The result was that the congregation had dwindled down to about 10 in the morning and 20 in the evening. It might, perhaps, be said that this was owing to having a clergyman who could not speak Welsh; but before him there was a

Welsh-speaking clergyman. [Mr. OSBORNE MORGAN: And the church was full.] Even then the church was not full. The Bishop of Llandaff had instituted a system of having missionary clergymen to preach in those districts which were exclusively Welsh. The present incumbent of the church—the Rev. Morgan Lloyd—though of Cornish extraction, was born in Wales; and he was employed by the Bishop to minister to the Welsh in the hills of Glamorganshire. There he had extraordinary success, and the consequence was that the Bishop appointed him to the incumbency of the church. Such were the circumstances under which the Church was so ill-filled. The Marquess of Bute being desirous to have a chapel for the Roman Catholic population made this proposition—that if this church were assigned to him, he would give in exchange a site in a part of the district far better suited for the purpose, and on which, with the purchase money for the existing church, another church could be erected. It was to be supposed that, under the circumstances, the Bishop and clergy would jump at the proposal. He had correspondence with various members of the Church, and they assured him that the proposal was one of the very best that could be made. One of these gentlemen was the chairman of Quarter Sessions, who was intimately connected with the place, and he assured him that the proposed removal would be most advantageous. It was really not a question as to Welsh services at all, because it was not in the power of the Bishop during any incumbency to say whether the incumbent should conduct the services in English or in Welsh.

MR. HUSSEY VIVIAN said, it must be borne in mind that this church was originally designed as a church for the Welsh-speaking people of Cardiff as a whole. It was originally a chapel-of-ease to the large parish of St. Mary; but since that time a district had been assigned to it, and it ceased to be a chapel-of-ease. Notwithstanding what was said in the letter which had been published by the Lord Bishop, he contended that the church was designed for the whole Welsh-speaking population of Cardiff, and that it was wrong to assign it to a district. So far as the Marquess of Bute was concerned, it seemed to him that nothing could be more handsome or proper than his con-

Mr. Bruce

duct; but still, what the House was called upon to do was to alienate from the poor Welsh people of Cardiff a church which was erected for them exclusively, and which absolutely belonged to them. They had a vested right in this church. ["No, no!"] If not a legal vested right, they had an undoubted moral vested right. The Welsh-speaking population of Cardiff was at least 10,000, and there were 12 entirely Welsh Nonconformist chapels in the town. This being so, was it not a shame that they were asked to take away the only one Welsh church from the poor of Cardiff? It was true that the congregation of the church had fallen off; but the Lord Bishop gave the reason for that. He said that, owing to the smallness of the stipend, which was originally only £80 a-year, he had not been able to obtain the continuous services of a man of much ability. It had been said that the present incumbent was an able man; but it was clear he had not touched the hearts of the people, and he had not filled the church. He believed that if the matter were passed over until another year some compromise would be come to by which Welsh services would be secured. He hoped the House would not consent to pass the Bill.

MR. HORSMAN observed, that he had entered the House knowing nothing of this Bill; but the speech of the Home Secretary had certainly surprised him. He said that the church was originally built for the Welsh population, but that population had ceased to be so large as it was, and therefore there should be a change in reference to the church. There might, however, be a change in the Church population in other parts of the country.

MR. BRUCE: The proposition was not to remove the church out of the district, but only out of that part of the district that was Roman Catholic, in order to put it into another part that was not so.

MR. HORSMAN: In any district in England where the Church population dwindled to a minority—perhaps from accidental causes, from having an unpopular or incompetent minister—they might come to the House of Commons and apply for an Act to sell the district church. He was sorry that the Prime Minister was not there to say whether he would support what was said by the

Home Secretary. If they should come to have a parish where the Church population was as one to ten he did not know why, if a liberal offer were made, the parish church itself might not be sold. He was startled at this proposition. No doubt the question was a very simple one; but by the speech of the Home Secretary it was made one of great constitutional importance.

LORD CLAUD JOHN HAMILTON, happening to know something of that case, hoped the House would not be led away by the sentimental arguments of the Welsh Members or by the fear of Popery which had developed itself in the mind of the hon. Member for North Warwickshire (Mr. Newdegate), but would rather listen to what had been said by the hon. Member for Cardiff (Colonel Stuart) and by the Home Secretary. The question was a very simple one. The trustees of the Marquess of Bute, during his minority, built that church in Cardiff, and decided that the services should be conducted in Welsh. Although there were 10,000 Welsh people in Cardiff, it was found that under several incumbents that church was badly attended; and under the present incumbent, although the numbers had somewhat increased since he was appointed, there were rarely more than 10 worshippers at the morning and 20 at the evening service. Consequently the incumbent, with the approval of the whole of the Established clergy in Cardiff, and with the assent of the Bishop, applied to the Marquess of Bute for a fresh site on which to build a church in the selfsame district. The Marquess of Bute, with his usual generosity, had offered to give a site free of charge and to pay over the sum which this church originally cost on condition that when the new church was built the empty and useless fabric now existing was handed over to him. What could be more handsome than such an offer? Was it likely that the hon. Members for Swansea (Mr. Dillwyn), and Denbigh (Mr. Osborne Morgan) understood the interests of the Established Church in Wales better than the Bishop and clergy of the diocese? In order to relieve the House from any anxiety on the subject, he might state that he had received a letter from Cardiff which showed that the spiritual wants of the Welsh-speaking inhabitants of Cardiff who belonged to the Established Church were amply

provided for independently of the services that were performed in this church. Had not this church been handed over to the Ecclesiastical Commissioners it would have been unnecessary to have come to Parliament in order to obtain its sanction for its transfer under this arrangement. The measure having passed the House of Lords without comment from the Bench of Bishops he trusted that it would not be rejected by that House on sentimental grounds.

MR. WATKIN WILLIAMS, at the risk of encountering prejudice and of being misunderstood, and even misrepresented by many, must say that he was in favour of this Bill. He had carefully studied the facts in relation to the subject, from the foundation of this church in 1854 down to the present time, and the conclusion at which he had arrived was, that the opposition to this Bill, and the popular feeling which had been roused against it, were founded entirely upon misconception, fostered by prejudice. He thought there was an absence of fairness and candour, and even of *bona fides* in the opposition to this Bill. It was rather too much to say that the measure was opposed to the interests of the Church of England, when it had received the approval of the Bishop of the diocese, and all the clergy of Cardiff; and there was not the slightest pretence for characterising the arrangement as a mere sale of a church, or as a sacrifice of a small and helpless Protestant Church to the selfishness of a great Roman Catholic nobleman, and the encroaching spirit of the Roman Catholic Church. By this Bill it was provided that a new church should first be erected in every way equal to the present building, and on a more convenient and suitable site, away from the Irish Catholic population; and that when this was completed and open for use—and not till then—it should be exchanged for and devoted to the same identical purposes as the present church, which would include any existing conditions as to Welsh purposes. This would be no gain or advantage to the Roman Catholics, for there was nothing to prevent the Marquess of Bute to-morrow building a Roman Catholic cathedral alongside All Saints' Church. The exchange would be a mutual accommodation, greatly to the advantage of the Church of England, in the opinion of the Bishop

and clergy, and no substantial injury to anybody that he could see. The thousands who petitioned against this Bill never went near the church, and never contributed one farthing towards providing an efficient Welsh clergyman, and the church was a complete failure. He thought that in the true interests of the Welsh Protestant community, and the peace and good-will of the town, it was to be regretted that this exchange was not allowed to be made without rousing those religious prejudices and animosities which had too long disgraced and injured this country. He should therefore vote for the second reading of the Bill.

MR. RICHARD, speaking on behalf of many of his countrymen who were members of the Established Church, opposed the measure on the ground that it was a serious encroachment upon the rights of the Church of England inhabitants of Cardiff. It had been stated, in support of the Bill, that it was difficult to secure a Church of England minister who spoke the Welsh language, to officiate in the church in question; but he could scarcely think that this could be the case when no difficulty was experienced in obtaining Welsh-speaking ministers for the numerous Nonconformist places of worship in Wales. He believed that if the Bill passed it would excite a bitter feeling among members of the Church throughout the Principality.

MR. OCTAVIUS MORGAN supported the Bill in the interest of the public peace, inasmuch as the windows of the church were constantly being broken, the clergy insulted, and the congregation annoyed by the Roman Catholic population, in whose neighbourhood the building was situated. The scheme proposed would be of the greatest possible advantage, and the removal to a more suitable place would be of great advantage to the Church.

MR. SINCLAIR AYTOUN regarded the Bill as part of a system of intimidation which had been adopted by the Roman Catholic population of Cardiff towards the members of the Church of England, and if it were passed a premium would be offered to the practice of similar intimidation elsewhere. The Home Secretary had been the great promoter of this species of intimidation, through the course he had adopted with

reference to the Murphy riots in the North of England, when he had written to the mayors of the towns where they had occurred announcing his willingness to put into force an old Act of Parliament introduced in Pitt's time for the prevention of public discussion. He trusted that the House would not allow the Bill to become law.

MR. EASTWICK said, he thought that this particular Bill had no relation whatever to the general question of the transfer of churches from one place to another. The Marquess of Bute had built this church; it had become useless for the purpose for which it was built, and he offered another instead of it. He asked the House to consider it, not as a general, but as a merely local question.

MR. SPENCER WALPOLE wished to say a few words upon this question, as to which he gathered nearly all he knew from the debate. They were asked to do by a Private Bill what, in his opinion, should be done only by a public measure. He did not think that it was altogether a question of providing a church for the Roman Catholic population, nor whether this particular church could be better placed in some other part of Cardiff. How did the matter stand? The trustees built a church in an ecclesiastical district connected with the old church of Cardiff, in order that the old population of that part of Cardiff should have the services performed in the Welsh language. This object had not been fully realized, partly through the want of an adequate endowment. One most extraordinary statement in the Petition for the Bill, given as a reason in favour of it, was that this church had been much damaged by the Roman Catholic portion of the population, who had broken the windows. Under these circumstances, it was a strange proposition to say that the Welsh portion of the population in Cardiff should have withheld from them the benefits intended for them, and when, according to the Bishop's own letter, the transfer of such church to another part of Cardiff was, not for the purpose of securing a Welsh church there, but to secure the establishment of a church in which the English language would be used. The smallness of the congregation and the absence of an adequate endowment did not justify the sale of the church.

Mr. Watkin Williams

MR. C. DALRYMPLE wished the right hon. Gentleman to bear in mind that the new site, so far from being at a distance, was within the limits of the district. It would be more suitable for the Protestant population, and would enable the Church of England to do efficient work. He believed some of the opponents of the Bill on the other side of the House wished to retain the present site in order that the church might remain weak.

MR. GREENE said, he could not see why the Roman Catholics, if they required a church in this district, should not build one, instead of wanting a building belonging to the Church of England. If the inhabitants of the district hereafter changed their views or gave place to a Protestant population there would, if the Bill passed, be no church for them. He was not ashamed to say he was one of those who disagreed from the Pope.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 153; Noes 172: Majority 19.

Words *added*.

Main Question, as amended, put, and *agreed to*.

Bill *put off* for three months.

ARMY—VOLUNTEERS—CAPITATION GRANT.—QUESTION.

COLONEL C. LINDSAY asked the Secretary of State for War, When the Capitation Grant to the Volunteer Service, which has been delayed so much longer than usual, to the great inconvenience of Commanding Officers, will be ready for issue?

MR. CARDWELL: Sir, the rules require that each corps shall furnish the names of the members of the Finance Committee, and of the members of that Committee to whom the issue is to be made. I am informed that the corps which have so applied have received the grant, but that the hon. and gallant Colonel's corps is not among them.

FRANCE—DEPORTATION OF POLITICAL PRISONERS.—QUESTION.

MR. OTWAY: Sir, it may be in the recollection of the House that, in the early part of the Session, I addressed a Question to the noble Lord the Under

Secretary of State for Foreign Affairs with regard to the landing of French prisoners in this country in a state of destitution, and he then informed me that the Secretary of State would immediately communicate with the French Government on the subject. On the 4th of March my hon. Friend the Member for North Warwickshire (Mr. Bromley-Davenport) repeated the Question to the Under Secretary, who replied that friendly remonstrances had been addressed to the French Government on the subject. Hearing that political prisoners still continued to be landed in a state of destitution in this country a gentleman addressed a letter to the Foreign Office on the subject on the 12th of March I think, and on the 14th of March the writer received this answer from the Foreign Office—that Her Majesty's Ambassador had received assurances from the French Government to the effect that the practice would be put a stop to of sending destitute Communists to this country. During the Recess I was made acquainted with the fact that French political prisoners had arrived in this country in a state of utter destitution, possessing no money or means of procuring sustenance, and that consequently on more than one occasion they had been forced into that which is deemed a crime in this country—namely, procuring means of sustenance from the fields. I received this morning a letter, dated the 28th of May, from a gentleman connected with the Union in the borough which I represent—Chatham—in which the writer says—

"I find by *The Times* of this morning you purpose asking the Government a Question this evening respecting the French prisoners, &c. I thought it as well to tell you that on Saturday week we had in our workhouse 21 of these poor fellows. They were in a most wretched condition. They left next day for London."

Under these circumstances, I wish to ask the First Lord of the Treasury, What course Her Majesty's Government intend to take in consequence of the continued transportation to this Country of French political and other prisoners in a state of destitution, notwithstanding the assurances on this subject given by Her Majesty's Government in the House of Commons and elsewhere?

MR. GLADSTONE said, his hon. Friend must bear in mind that this subject was raised two or three days ago,

on a Question put by the hon. Member for Sheffield (Mr. Mundella) to his noble Friend the Under Secretary of State for Foreign Affairs. His noble Friend replied that the matter was still under discussion between the two Governments, and during the 48 hours which had passed since that answer was given, nothing had been heard which would enable him to make any addition to that statement. In the course of a very short time, however, he hoped it would be in the power of the Government to give more definite information.

MR. OTWAY asked whether the right hon. Gentleman was aware that French political prisoners continued to arrive in this country, and that he received a letter from the clerk of the Chatham Union stating that on Saturday week 21 of these destitute persons were received in the Chatham Workhouse, and thus became a burden on the ratepayers.

MR. GLADSTONE said, his hon. Friend must bear in mind that the simple fact of the prisoners arriving in a state of destitution was not the whole of the case. The question was as to the intervention of the French Government. He had no information—nor was he aware that the Foreign Office had any information—of any new case in which there had been any intervention of the French Government in transmitting persons of that description to this country.

POST OFFICE—MAILS TO THE SOUTH OF IRELAND.—QUESTION.

MR. DELAHUNTY asked the Postmaster General, Whether the great mass of postal correspondence from England, Wales, and Scotland, to all parts of Ireland, is carried by the night mails, via Holyhead to Dublin, and from thence forwarded by the morning mails to the country; whether within the last two or three years (contrary to the wishes expressed by many of the merchants and traders affected thereby) the mails for the south of Ireland have not been delayed in Dublin from 8.35 A.M. to 9.0 A.M., whilst the mails to the north and west are as heretofore despatched at 8.25 and 8.30 A.M. respectively, and if such delay is to be still continued; whether any steps have been taken to accelerate the delivery of letters in Cork, Limerick, and Waterford; whether he is aware that if the mails for Water-

ford, even although delayed in Dublin as at present, were forwarded by the Dublin and Cork Railway to Maryborough, and from thence by the Waterford and Central Railway to Waterford, they could be delivered forty-five minutes sooner than at present; and, if the latter Company is willing to perform such service, would the Postmaster General take advantage of it; and, whether he has notified to the Waterford and Central Railway Company his refusal to arbitrate on the service required from them at the present time by the Post Office, and also his intention to determine said service in carrying the mails to Waterford; and, if so, whether he would state by what route he purposes to forward the mails from Dublin to Waterford?

MR. MONSELL: Sir, the great mass of postal correspondence from England, Wales, and Scotland, to all parts of Ireland, is carried by the night mails *via* Holyhead to Dublin, and thence forwarded by the morning mails to all parts of the country. The departure of the day mail from Dublin was postponed from 8.35 to 9 a.m. about three years ago in order to lessen the risk of the English correspondence being left behind in case of the packet being late, owing to storm; but so far from this change having been contrary to the wishes of the persons interested, complaints had been received of the great inconvenience arising from the occasional delay of the English correspondence, and the alteration met with the concurrence of a deputation of Irish Members of Parliament, of which my hon. Friend was himself a member. [Mr. DELAHUNTY: Certainly not.] That was the information I received. Moreover, much of the time lost was regained by improved local arrangements at Waterford. In consequence of a notice received from the Waterford and Central Ireland Railway Company, re-opening the question of payment for the mail service, the existing arrangements are being carefully revised, but no decision has yet been arrived at as to what alterations will be made. No change is likely to take place until the latter part of the year, and the new arrangements will, of course, depend much upon the willingness of the Railway Companies to give facilities to the Post Office upon such terms as the circumstances will warrant.

Mr. Gladstone

ARMY—WINDSOR CAVALRY BARRACKS.
SURGEON MAJOR LOGIE.

QUESTION.

LORD GARLIES asked the Secretary of State for War, Whether it is the case that a Report of Surgeon Major Logie, an Officer of the Royal Horse Guards with over thirty years' service, was forwarded by the Officer commanding that Regiment to the General in command of the district to the effect, that, owing to the effluvia arising from drains at the moment open and others about to be opened, and other causes of a like nature, a part at least of the Cavalry Barracks at Windsor were, in his opinion, "unfit for occupation;" whether this Report contained an assurance that Surgeon Major Logie was supported in this view by two other Surgeons of long standing in the Household Brigade; whether a Board of Inspection composed of a Lieutenant in the Royal Engineers and a Staff Surgeon of under twenty years' service was in consequence appointed to report upon the accuracy of Surgeon Major Logie's Report; whether a Board thus composed did draw up a Report which led to a communication being sent in the shape of a severe reprimand to Surgeon Major Logie, complaining of his Report not being substantiated, and as "causing much anxiety, correspondence, and trouble, and resulting in no proof," and therefore "shorn of much of its value;" whether it is not the truth that several Officers have corroborated his statements, and that several Officers and one Non-Commissioned Officer have been since attacked with symptoms of a typhoid character, and one Officer removed from the Barracks in question owing to similar but more intense symptoms; and, what steps, if any, are going to be taken to remedy this deplorable result?

MR. CARDWELL, in reply, said, he was not surprised that the House should have manifested some signs of impatience at a detailed Question of that kind, because it was quite open to an Officer who felt himself aggrieved by any reprimand which he might have received from the Field Marshal Commanding-in-Chief to make a proper representation through his superiors, which would be most certainly attended to by

VOL. CCXI. [THIRD SERIES.]

His Royal Highness. He submitted to the noble Lord, who had himself been an officer in the Household Brigade, that it would be more likely to conduce to discipline in the Army that such a course should be pursued, than that *ex parte* statements should be placed on the Paper of the House in the form of a Question addressed to him. As the Question had been put, perhaps the House would allow him to give an answer. ["No, no!"] Well, then, since the House did not wish that he should give an answer, he would suggest to the noble Lord to advise Surgeon Major Logie to make a representation through his Commanding Officer to the proper quarter.

LORD GARLIES said, he thought it would be satisfactory to the House if the right hon. Gentleman answered the Question. ["No, no!"] He wished to know whether the right hon. Gentleman declined to answer?

MR. CARDWELL: I can only repeat what I have already said. I collect from what has occurred that it was not the wish of the House that the Question should be put, and it is not their wish that I should proceed to give an answer.

LORD GARLIES: Well, then, I beg to give Notice that I shall call the attention of the House to the subject on the earliest opportunity.

TURNPIKE ACTS CONTINUANCE.

QUESTION.

LORD GEORGE HAMILTON asked the President of the Local Government Board, If his attention has been called to that part of the Report of the Select Committee on Turnpike Acts Continuance in which they "call the earnest attention of Parliament to the importance of not allowing the present Session to close without making the adoption of the Highway Act compulsory throughout the Country;" and, if so, whether it is his intention to comply with this recommendation?

MR. BRUCE said, in reply, that if it were possible or useful to deal with one portion of the question by itself he should have been prepared to bring in a Bill on the subject. But the question was part of a very much larger one, and there were three or four other very difficult matters which would have to be dealt with. After communication with

the President of the Local Government Board, he was of opinion that a far better settlement of this question would be obtained by postponing it to another Session.

LAW REFORM—THE JUDICATURE COMMISSION.—QUESTION.

MR. WATKIN WILLIAMS asked Mr. Attorney General, Whether it is not a fact that a Draft of a Bill for the reconstruction of the Judicature Commission was some time ago furnished to the Government, and, if so, what has become of it; whether it is the intention of the Government to bring in any Bill for this purpose during the present Session; whether the Government have any objection to lay upon the Table of the House the Draft Bill referred to; and, whether it is the intention of the Government to dissolve the said Commission?

THE ATTORNEY GENERAL said, in reply, that it was perfectly true that the Lord Chancellor had been furnished by certain Members of the Judicature Commission with certain proposals, which, with other materials, had been embodied in a draft Bill which would have been presented to Parliament if the reception of the Appellate Jurisdiction Bill by the House of Lords had been somewhat different. The Appellate Jurisdiction Bill had been referred to a Select Committee of their Lordships' House, and it must very much depend on the result of that reference whether the draft Bill to which he had alluded, and which was still in existence, would be presented to Parliament during the present Session. It was quite unusual to lay on the Table of the House a Bill when only in draft, and before it assumed the shape of a direct proposal, and he could not be a party to any such proceeding. The Judicature Commission was now engaged in the preparation of its final Report, which he trusted before very long would be presented. There was no intention of dissolving the Commission before that was done.

ARMY—SICKNESS AT CASHEL BARRACKS.—QUESTION.

MR. STACPOOLE asked the Secretary of State for War, Whether he has been informed that scarlatina has broken out in the Cashel Barracks; and, whe-

Mr. Bruce

ther any arrangement has been made to place the Tipperary Militia in Clonmel or some other suitable barracks during their training instead of Cashel?

MR. CARDWELL: Sir, I have made inquiry, and the answer conveyed by telegraph from the officer commanding at Cashel was as follows:—

"There is no case of scarlatina in barracks, or any other disease. One recruit joined on the 6th of May ill, which resulted in scarlatina. He died on the 15th of May. No other case occurred."

NAVY—RULE OF THE ROAD AT SEA—SAILING REGULATIONS.—QUESTION.

SIR JOHN HAY asked the President of the Board of Trade, If he will refer the question whether any change is desirable in the present Rule of the Road at Sea to the Committee now sitting at the Admiralty on the cognate subject of the Fittings of Boats for Saving Life at Sea?

MR. CHICHESTER FORTESCUE, in reply, said, he could not consent to refer that question to the Admiralty Committee, to which the hon. Baronet referred. The Admiralty did not consider the subjects cognate, and he felt bound to add that he was not prepared to re-open the question by a reference of that kind.

RATING—EXEMPTIONS OF GOVERNMENT PROPERTY.—QUESTION.

DR. BREWER asked the President of the Local Government Board, Whether he sees any prospect of bringing in a Bill to repeal certain exemptions of Government property to rating this Session?

MR. STANSFELD said, in reply, that a Bill dealing with the subject had been long in type, and waiting only for a convenient opportunity for introduction into that House. It proposed to repeal absolutely all exemptions from rating, including Government property. He was sanguine at one time that he would have been able to have introduced it at an early period; but his views had lately considerably changed on that point. The decision which the House came to a short time since on the Motion of the hon. Member for South Devon (Sir Massey Lopes) had much enlarged the scope and complicated the question of local rating, and the Government had come to the conclusion that it

was undesirable to deal with the simple subject of certain total exemptions from rating, as they had hoped to do, and that it would be better to defer the whole subject until they had an opportunity of dealing with it on the broader basis contained in the Motion of the hon. Baronet the Member for South Devon.

**IRELAND—THE ARRAN ISLANDS—
LIGHTHOUSE ON STRAW ISLAND.**

QUESTION.

MR. MITCHELL HENRY asked the President of the Board of Trade, Whether he can state to the House the cause of the delay in erecting a light on Straw Island, in the Arran Islands, and, whether he has had any communication with the Board of Irish Lights on the subject?

MR. CHICHESTER FORTESCUE, in reply, said, much delay had arisen in Dublin as to the erection of this light. The legal sanction for the necessary works had, however, been given some months ago, and the delay since then had been caused simply by the inquiry into the title of the site which was requisite, but which had now, however, almost come to an end.

POOR LAW (IRELAND)—UNION RATING.

QUESTION.

MR. M'MAHON asked the Chief Secretary for Ireland, What course he proposes to take with regard to Union Rating?

THE MARQUESS OF HARTINGTON said, in reply, that he was as anxious as the hon. and learned Gentleman could be that this question should be settled; but, looking at the state of Public Business, and the 52 Orders of the Day which were on the Paper for that evening, he did not think there would be any prospect whatever of passing in the present Session a measure on this subject, which was sure to cause a great deal of discussion.

**ELEMENTARY EDUCATION ACT—COM-
PULSORY ATTENDANCE.—QUESTION.**

MR. HERMON asked the Vice-President of the Council, Whether in boroughs and other places where it has been ascertained that ample school accommodation exists it is the intention

of the Government to give power to some other authority to compel the attendance of children, without the necessity of forming a School Board?

MR. W. E. FORSTER said, in reply, that if the hon. Gentleman would refer to the Elementary Education Act, he would see that the Government had no power to authorize any local body except the school board to compel the attendance of children. Even if the Government were of opinion that any local body should be so empowered—and he could not state that such was their opinion—the Act did not confer on them any authority of this nature.

**ST. GEORGE'S CHANNEL—LIGHTHOUSE
ON THE TUSKAR ROCKS.—QUESTION.**

MR. REDMOND asked the President of the Board of Trade, Whether, having regard to the frequent loss on the Tuskar Rocks of vessels sailing to and from English ports, and the importance of immediate assistance being afforded in such cases, the Government have it in contemplation to establish telegraphic communication between Tuskar Lighthouse and the Irish Coast?

MR. CHICHESTER FORTESCUE, in reply, said, if the lighthouse on the Tuskar Rocks were to be connected by telegraphic communication with the mainland, the expense would have to be borne by the shipping interest or the telegraphic authorities, and even then serious difficulties would arise, because, from the limited area of the rock on which the lighthouse stood, it would be almost impossible to find accommodation there for a telegraphic clerk and the necessary apparatus. At any rate, the Board of Trade had no power to apply the Mercantile Marine Fund for the purpose of establishing such a telegraphic communication.

**PUBLIC BUSINESS—PUBLIC HEALTH
BILL.—QUESTION.**

SIR CHARLES ADDERLEY asked the First Lord of the Treasury, Whether the Public Health Bill, relating to a subject which the Government pressed on the diligent attention of a Commission three years ago, and have twice advised Her Majesty to recommend to Parliament for immediate legislation, and which is now being postponed to other Government measures, might not

have a morning devoted to its consideration in Committee?

MR. GLADSTONE: Sir, I can so far comfort the mind of my right hon. Friend, with whom we are quite agreed as to the importance of this measure, as to assure him that it would be a mistake to suppose that the Public Health Bill is postponed to the other principal measures of the Government. That is by no means the case; and we are very anxious to arrive at the time when we may deal with the Public Health Bill in the same way as with other principal measures of the Ministry—by devoting to it the whole available time of the House, so far as that time is under our direction and control. We hope to-night to dispose finally of one of the chief Government measures. We shall then proceed with the Scotch Education Bill in the same manner as with the Ballot Bill—that is, by inviting the House to give to it the whole of its available time. In our opinion that is the best way of disposing of all these measures, and we should not confer any real advantage on the Public Health Bill by devoting to it a mere fragment of time. It is for the sake of getting forward with that Bill that we wish to get rid of the measures which at present obstruct its progress.

CHANCERY FUNDS.—QUESTION.

MR. SINCLAIR AYTOUN asked Mr. Solicitor General, Whether he, having stated that the Act 29 Vic., c. 5, enabled the Chancellor of the Exchequer to convert only £5,000,000 into Terminable Annuities, is not of opinion that the cancelling of £7,000,000 in exchange for the annuity of £553,887 per Act 29 Vic., c. 5, sec. 4, is illegal?

THE SOLICITOR GENERAL: It is very inconvenient, Sir, to preface a Question by a statement which is altogether inaccurate. In the first place, I never made the statement in question. On looking into a printed report of the debate to see what I did say, I find the matter a great deal worse than it is put in the Question, because my argument being, on the occasion referred to, that the Chancellor of the Exchequer could not convert one single farthing of the Chancery Funds into Terminable Annuities, I find I am made to say that he could convert £5,000,000 of them, and that was a very small proportion of £60,000,000. What

Sir Charles Adderley

I did state was that the Act in question related merely to the Savings Banks Funds, and did not apply to the subject of Chancery Funds at all. Then, again, it is not quite accurate to say that £7,000,000 have been converted under the 29 Vic., section 4. The conversion has been made to the extent of £5,000,000 under section 1, and to the extent of the balance converted, being a portion of the fund which arose only from the operations of the Post Office Savings Banks under section 4. After this I need hardly say that what has been done is in my opinion legal.

METROPOLITAN POLICE—CASE OF CONSTABLE GEORGE CARTER.

QUESTION.

MR. STRAIGHT asked the Secretary of State for the Home Department, Whether he is cognizant of the circumstances under which George Carter, late constable 25 of the E Reserve of eight years' service in the Metropolitan Police, after being complimented and rewarded by Sir Thomas Henry for his courage at a fire in Gray's Inn Road last October, was dismissed from the force in March of the present year; whether he is aware that Carter was compelled to hand over to the Superintendent of his Division a sum of £21 10s. 2d., received by him from the Editor of "The Daily Telegraph," which had been subscribed for him by the public in recognition of his bravery upon the occasion before-mentioned; whether it is a fact that such sum of £21 10s. 2d. has, since Carter's dismissal, been replaced in the hands of the Editor of "The Daily Telegraph" by the Superintendent in question; and, whether, upon a review of all the circumstances of the case, he will direct that Carter shall be reinstated?

MR. BRUCE: Sir, Constable George Carter was dismissed from the Metropolitan force on March 25 for an act of misconduct; and, in fact, at his own request. This dismissal had nothing whatever to do with the fire in Gray's Inn Road. With respect to that fire, a sum of money was subscribed by a number of persons under what, upon a careful investigation, was believed to be a misapprehension on their part, and therefore the Chief Commissioner of Police returned the money to the editor of *The Daily Telegraph*, from whom it was re-

ceived. At the request of the Chief Commissioner I have directed all the Papers and Correspondence to be referred to Sir Thomas Henry, who has kindly undertaken to investigate the matter, and by his decision I shall be happy to abide so far as the payment of the money is concerned.

TREATY OF WASHINGTON—PROFESSOR BERNARD'S LECTURE.—QUESTION.

MR. DISRAELI: I wish, Sir, to ask the right hon. Gentleman at the head of the Government a Question with respect to a Lecture recently delivered at Oxford on the Treaty of Washington by one of the High Commissioners. I have read the report of that Lecture with equal amazement and alarm, and wish to know, Whether that Lecture was delivered with the sanction of Her Majesty's Government?

MR. GLADSTONE: I am glad, Sir, that the right hon. Gentleman, by giving me private Notice of this Question, has enabled me to communicate respecting it with my noble Friend at the head of the Foreign Office. Having done so, I have now to say that the lecture to which the right hon. Gentleman refers was not delivered with the sanction or in any manner with the participation of Her Majesty's Government. Of course, I do not wish to be understood as passing any opinion upon the delivery of that lecture. I merely wish to say that in the delivery of it the right hon. and learned Gentleman from whom it proceeded acted on his own responsibility.

PARLIAMENT—GALWAY ELECTION INQUIRY—JUDGMENT OF MR. JUSTICE KEOGH.—QUESTION.

COLONEL STUART KNOX said, he regretted that he had not had the opportunity of giving Notice to the right hon. Gentleman at the head of the Government of a Question he wished to put on the subject of the first Order of the Day. It was, Whether the right hon. Gentleman's attention has been called to the manly, straightforward, and outspoken judgment of Mr. Justice Keogh, and if under the circumstances he will postpone the Order for the Third Reading of the Ballot Bill, to give the House an opportunity of having before it the pro-

ceedings of the Galway Commission before handing over the electors of Ireland to such taskmasters as therein described?

MR. GLADSTONE: Sir, I must tell the hon. and gallant Gentleman at once that we cannot adjourn the first Order of the Day. As to the proceedings of the Galway Commission, I am sensible of their importance, but they are proceedings which are held under statute. That statute provides for a certain regular course of procedure, and it is expedient we should wait until that course is adopted before we adopt any ulterior measures.

**TREATY OF WASHINGTON.
TRIBUNAL OF ARBITRATION (GENEVA).
THE INDIRECT CLAIMS.
THE NEGOTIATIONS.—QUESTION,**

MR. BOUVERIE: I wish, Sir, to ask the right hon. Gentleman, Whether it would be convenient for him to state what is the present condition of the negotiations respecting the Treaty of Washington? There is great anxiety on the part of the House to have such a statement, and the right hon. Gentleman may, perhaps, feel that it would be even expedient for him to make it.

MR. GLADSTONE: I certainly wish, Sir, I had received some prior intimation of a Question of such great importance. At the same time, I am very sensible of the truth of what my right hon. Friend says—namely, that this is not only a matter of very great importance, but that it would be very desirable to make a statement to the House respecting it if I could do so with propriety. The moment has not arrived for making such a statement, though I am in hopes it will shortly arrive; and my right hon. Friend may rely that it will not be postponed for one moment longer than in our opinion is deemed necessary.

MR. OSBORNE: I do not wish to repeat the Question put to the First Minister by my right hon. Friend, but I think the House would like to know, whether there is any truth in the Despatch which has been printed in *The Times* this morning from New York relating to the Treaty?

MR. GLADSTONE: There has been a variety of despatches relating to the Treaty.

MR. OSBORNE: The right hon. Gentleman must have seen this despatch?

MR. GLADSTONE: If my right. hon. Friend refers to a telegraph despatch which is stated to have come not in the regular course, and which is printed to-day in *The Times* and *Daily Telegraph*—I do not remember the precise terms of the despatch, but the general effect of it is that negotiations between the two Governments are actually or virtually at an end—that telegram is incorrect.

PARLIAMENTARY AND MUNICIPAL
ELECTIONS BILL.—[BILL 160.]

(*Mr. William Edward Forster, Mr. Secretary
Bruce, The Marquess of Hartington.*)

THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed,
“That the Bill be now read the third
time.”—(*Mr. W. E. Forster*).

MR. MAGUIRE moved that the Bill be re-committed in respect of Rule 26, which, he considered, was antagonistic to the principle of the measure, and would, if it became law, lead to most dangerous consequences. In doing so he had not the slightest intention of opposing the progress of the measure, for he had always been a consistent supporter of the Ballot, not from any admiration of secret voting—indeed, he believed if that House were polled not one hon. Member would be found to be in favour of secret voting in the abstract—but because he regarded the Ballot as having become an absolute necessity for the purpose of doing away with those giant evils which seemed to be inseparable from open voting—corruption and intimidation. Now, the question which he was about to raise was not a party question, for it was evident that such a Bill as that before the House would, if not this year, at all events very shortly, become the law of the land, and that being so, it was the interest of all parties alike that it should be rendered as free from blemish and as little hurtful to the community at large as it was possible to make it. Corruption and intimidation, there was abundant evidence to show, were not the special vices of any political section, and so long as a seat continued to be an object of ambition, wealthy and powerful persons would be found who

would exercise their influence to prevent freedom of election. It was to protect the poor and dependent voter that the Bill was intended, and if there was one class more than another liable to be tyrannized over by power and corrupted by wealth, it was that illiterate class who could neither read nor write. He was not one of those who would deprive a man of his vote, because he happened, probably through no fault of his own, to be in that position; but the House ought not, he maintained, to accept a Bill which would inflict enormous injustice on that very class. What had been done with respect to the case of these illiterate voters? There were two classes of illiterate voters—the honest man, who might be poor and dependent, and the dishonest man, who might be anxious to sell his vote. How did the Bill deal with the former? He would be compelled to go before a magistrate and make a declaration that he was unable to read. That declaration he was bound to present to the presiding officer in the polling-booth; and he was then required to direct that officer, in the presence of the agents of the candidates, how his voting paper was to be filled up; or, in other words, to say openly for whom he recorded his vote. So that the House was about to force a voter, whom it ought to protect in the exercise of the franchise, to record his vote in the presence of all the agents of the several candidates, and thus to expose himself to the vengeance of those who might be unscrupulous in the exercise of power—to all the consequences, in fact, which were likely to result from open voting. The dishonest voter who did not know, or pretended not to know, how to read would also have to take his declaration to the Returning Officer, and would have to give his vote probably in the presence of the very agent by whom he had been bribed, who would thus have the most perfect security that the foul compact into which he had entered would be carried out. He regarded that provision as a great blot on the Bill in a moral point of view. He freely admitted that there was much difficulty in dealing with this matter. The presiding officer might not be trustworthy in every particular, and he might get the post mainly to support the interests of a party; and so it had been suggested by the hon. and learned Member for Oxford (*Mr. Harcourt*) that

coloured papers should be used in order that the most illiterate voter could understand for whom he recorded his vote; and the suggestion was one which he thought might meet the difficulty. The right hon. Member for Bradford (Mr. Forster) was anxious to carry his Bill at any cost, though conscious of the grievous nature of this blot; but it was the duty of the Government to confess that they had made a blunder, and to call upon the House to repair it. The right hon. Gentleman had submitted to many blows which had been given to the measure, and which had, more or less, injured its character and impaired its efficiency; but if he assented to the change which the 26th Rule had undergone, he would assent to that which diminished the value of the Bill in the eyes of all men who desired to throw a shield over the most humble and helpless of the community. The Bill was sure to become law, in spite of any resistance from the Opposition benches, and it was, therefore, desirable to make it as perfect and as little injurious as possible, and, above all, to prevent the polling-place from becoming the very spot where the foul bargain of the corruptor might be completed. He knew the right hon. Gentleman and many other hon. Gentlemen had expressed their dislike of the alteration made in the 26th Rule, but thought it better to offer no obstruction to the passing of the Bill on that account. That was not real statesmanship, and every man who adopted that policy of expediency must hold himself responsible for the evils which would ensue. With no opposition to the Ballot and with no admiration for it, but as a supporter of it on the ground of necessity, and desiring to protect the poor from tyranny and corruption, he moved that the Bill be now re-committed in respect to Rule 26.

Amendment proposed, to leave out from the words "Bill be" to the end of the Question, in order to add the words "re-committed, in respect of Schedule I., Rule 26," — (*Mr. Maguire*), — instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. W. E. FORSTER regretted that his hon. Friend did not give the House the benefit of his eloquence at the time the clause was under discussion; for

when the Government were compelled reluctantly to yield to what appeared to be the feeling of the majority, his hon. Friend manifested less interest in this matter than he did now, and omitted to vote in a critical division on the question now before the House.

MR. MAGUIRE rose to Order. He never once shrank from voting on the Ballot Bill, and on the occasion referred to by the right hon. Gentleman he either directly voted or paired.

MR. W. E. FORSTER said, he had no doubt the hon. Gentleman was right; but he could only say he should have been glad of the hon. Member's advocacy on previous occasions. He trusted the hon. Gentleman would not now press his Motion on the House, because there was inconvenience in going back to a matter which had already been discussed several times, and on which the House had come to a determination by a decisive majority. The Motion of the hon. Member went further than his speech, for the 26th Rule provided for assistance being given to the blind as well as to the illiterate, while the hon. Gentleman's observations only related to the assistance to the illiterate. His hon. Friend exaggerated when he said the Bill had received many blows. The change he had mentioned was the only one of real importance that had been made in the whole measure since its introduction. The Bill had been searchingly discussed 12 nights in Committee and two on Report; and of the five alterations of any moment which had been made in it, this in Rule 26 was the only one of great importance. Of the other four, one had reference to penalties, under Clause 3, for offences as to voting papers and nomination papers, the punishment having been decreased from two years' hard labour to six months; another referred to penalties, under Clause 4, for the infringement of secrecy, three months' hard labour having been altered to six months; personation had been declared felony instead of misdemeanour; and what was, no doubt, an important change—the hon. and learned Member for Oxford (Mr. Harcourt), after defeating the attempt of the hon. Member for Huddersfield (Mr. Leatham) to bring in his Amendment, having suggested certain words which the Government gladly adopted—after altering them, the effect of which was, that six months' hard

labour could be given to any person who, either in the booth or out of the booth, attempted, directly or indirectly, to induce a voter to display his voting paper. The most important alteration in the Bill, however, was that now under consideration; and he must demur to the assertion of his hon. Friend that this was but one of many important changes. His hon. Friend asked why the Government did not accept his proposal before the measure left the House. All he need say in reply was that it would be perfectly fruitless if they did accept it, as they would be unable to carry it. There was no doubt of the difficulty of the question as regards the voter unable to read. The Government thought this a matter of such importance that they sent out to the different Australian Colonies to ask how they treated the voters in this case; and it would be some comfort to his hon. Friend to learn that, although the Ballot did work well in all the Australian Colonies and in New Zealand, there was only one of them—South Australia—in which this assistance was not given to the voter who was unable to read; the presiding officer being, in all the other colonies, empowered to give the assistance required by the illiterate voter, or rather to mark the voting paper for him. He had seen many depositions of working men on the subject, and he had put the question to them as one of the most difficult in the Bill; but he had not found any strong opinion in favour of no assistance being given to the illiterate voter. The Government, after much consideration, thought the best way of avoiding the difficulty would be to frame the voting paper so that the voter who was unable to read might with average skill be able to fill it up; but after the discussions in the Committee—first on the Motion of the hon. Member for Westminster (Mr. W. H. Smith) for the omission of the word “physical,” when he had a most difficult task to perform, and afterwards, on the Amendment proposed by the hon. Member for Salford (Mr. Charley)—he saw clearly that there was a strong feeling in favour of some additional assistance being given, and they were compelled to assent to it on condition of a declaration being signed. Was it now advisable to re-open the question? He thought it would be very unadvisable, because it would

Mr. W. E. Forster

merely delay the Bill without altering the result. But he had another reason. He believed the Bill, as brought in, would have afforded sufficient assistance to the voter who was unable to read; but there might be many persons in the country who thought sufficient assistance was not given, and a feeling might be raised against the working of the Ballot. In the interest of the Ballot, therefore, which he had strongly at heart, he thought it best to put up with the inconvenience of the Amendment rather than contend against it. At the same time, there ought to be a strong inducement to the voter unable to read to do his best to make use of the voting paper as it stood, and that inducement, he believed, the declaration would supply. He thought the number of persons making use of this Rule would be very small, for three reasons—first, because of the unwillingness to take the trouble of making a declaration; secondly, because it would diminish secrecy, though it must be remembered that there would be a strong penalty for giving information; and, lastly, because there would be a natural reluctance in the minds of illiterate voters to acknowledge that they were unable to read. His hon. Friend referred to two classes of voters—the independent voter and the corrupt voter; but he was at a loss to discover how either of them would be placed in a worse position than at present. The independent voter, if he loved independence, would rely on his own good sense in the matter and vote on the voting paper without troubling himself with any declaration. With regard to the corrupt voter, it was possible there might be a conspiracy; an agent might discover how he voted, and the result might possibly be, as at present, bribery or intimidation. But if it should be discovered that this provision was abused—magistrates conniving with intimidators, and declarations being obtained for the purpose of intimidation or bribery—the Bill, of course, ought to be amended, and this provision would be taken away. But, in the meantime, in the interest of the Bill, and with a view to its speedy operation in the country, he asked his hon. Friend to be content with having made his speech and not put the House to the trouble of a division.

MR. MONK said, he thought it might have been as well if his right hon. Friend had waited to hear what objections might be urged by independent Members to the Bill as it now stood before he rose to reply. He had watched with considerable—he might say painful—interest the course of the Ballot Bill ever since the noble Lord the Chief Secretary for Ireland (the Marquess of Hartington) had taken the question out of the hands of his hon. Friend the Member for Huddersfield (Mr. Leatham), and now at the eleventh hour he must join with the hon. Member for Cork (Mr. Maguire) in entering his protest against sending a Permissive Ballot Bill up to “another place.” If secret voting was a right thing to adopt, it should be enacted there should be no permissive secret voting. There was no intention to exclude the blind or illiterate from seeking or obtaining the assistance of the presiding officer; but he objected to some half-dozen agents of as many candidates taking their place in the polling-booths to observe the presiding officer marking the voting papers of those who claimed his assistance. That would open the door very widely to the worst forms of bribery and intimidation. He trusted that if the Bill were sent up to the other House in its present state it would meet with the same reception as it did last year, on the ground that it was an incomplete measure. In that case he should unite his voice to the voices of hon. Members opposite, in desiring that another opportunity might be afforded to the country of expressing its opinion as to the adoption of the Ballot, and as to the nature of the Ballot which it desires. He had not the slightest doubt that in that case the country would declare itself in favour of secret voting.

MR. NEWDEGATE*: Mr. Speaker, the speech which we have just heard from the hon. Member for Cork demonstrates the real position of this question. The hon. Member has uttered the fervent wish that the country may have an opportunity of expressing its opinion upon the subject. That, Sir, is a wish in which we all participate; but that is an object which Her Majesty's Government are intent upon defeating. Let me advert for a moment to the speeches of the hon. Member and the right hon. Gentleman who has charge of the Bill; and I ask, was it possible to have a

command conveyed in terms more distinct than by the speech of the hon. Member for Cork? The hon. Member took Her Majesty's Government to task because they ventured to accede to the wish of this House, to partially invalidate the sacred principle of secret voting. Then up rose the right hon. Gentleman who has charge of the Bill, and humbly apologized for the conduct of this House, because, out of consideration for those voters who happen to be illiterate, we have ventured to invest the presiding officer with the function of taking down the vote of the illiterate voter, as it is the duty of the election officer to record the votes under the present system. The hon. Member for Cork was eloquent against corruption, and against the use of money; but he said not one word upon the subject of another species of influence—that of intimidation. The hon. Member commenced his speech by declaring that, in the abstract, he was not in favour of secret voting, and yet the whole tenor of his speech was to condemn Her Majesty's Government and condemn the House because, in one particular, we have invaded the sacred principle which he represents. An hon. Member put a question before this discussion began which was very pertinent. We have lately had delivered by a Judge, acting by our appointment, one of the most remarkable charges that have ever issued from the judicial bench. It describes not the effect of corruption, for Judge Keogh has declared that in the Galway Election Inquiry there was not a shadow of reliable evidence of the slightest corruption having been practised; but he has described in the most graphic terms the system of priestly intimidation which has lately convulsed that county; and he has added words which I will quote to the House, because it is necessary that they should be known to Parliament—to both Houses of Parliament—before this Bill passes through its present stage. If this Bill passes, I say that it will pass, not by the deliberate judgment of the House of Commons, but by the coercion exercised upon the Liberal party by those whom the hon. Member for Cork represents. I will show their object. They represent the priesthood whose interference in the Galway election has just been exposed before a judicial tribunal; and then we have a Roman Catholic Judge, be it

spoken to his honour, discharging his judicial functions in a manner that goes far to vindicate the Roman Catholic body from the imputation of being the slaves of the priests, for he has shown that there are Roman Catholics in Ireland who are still freemen. Now, Judge Keogh has given us a warning, and that a warning which the Legislature ought to respect touching this very measure. We have two several reports of the judgment of Mr. Justice Keogh, and I will read an extract from each that the House may test its accuracy. In *The Times'* report the words are these—

“Father Cohen had said from the altar, while in his vestments celebrating mass, that his parishioners were bound to vote for Captain Nolan, and that even if they had previously promised to vote with their landlords, they were bound to break their promise. This was sworn, and like the rest was not denied. Every word of that statement would be sufficient to unseat 100 Members. It had been reluctantly admitted by Mr. Bernard O’Flaherty, who was taken out of his bed to give the evidence, that Father Cohen had said that priests would use the Confessional under the Ballot Bill, if necessary; but the Ballot Bill was not yet law, and Parliament was still sitting, and the Ministers and the Legislature ought to know this avowal of Father Cohen.”

That is the version of *The Times*; and here is the version given in *The Standard*, which has a different report of the same passage in the judgment of Mr. Justice Keogh—

“Priests had announced that they should use, under the Ballot, the Confessional, which it was an article of Catholic faith was closed from the public, as much as the Delphic oracle or the Holy of Holies. The Ballot Bill was not yet the law of the land. Parliament was still sitting. He had lived a public life, but he should do his duty, and the Ministry and the Legislature should know the Catholic clergy represented by the Rev. Mr. Cohen meant to use the Confessional for the purposes of election intimidation, in case the Ballot became the law of the land.”

This is *The Standard* report; but it will be seen that the two reports are the same in substance. Therefore, let the House remember that they have first the testimony of Mr. Fitzgibbon, a Master in Chancery, which I have quoted to the House on a previous occasion, that it is the policy of the Roman Catholic priesthood to obtain the Ballot because, under its operation, their means of intimidation will not be controlled, although it may, perhaps, afford some check upon the use of bribery and corruption at elections, which, however, is contrary to the experience of the United States.

Mr. Newdegate

But, besides the evidence of a Master in Chancery, Mr. Fitzgibbon, we have now the declaration of Mr. Justice Keogh in his judgment that the measure which you are engaged in forcing through this House will not check the priestly intimidation which disgraces Ireland, but that it will have this effect—it will render the detection of it impossible, or so difficult that it will defeat the law by which you are to save the freedom of election and the rights of the electors in the county of Galway. I say, then, that you are passing this measure at the dictation of the Roman Catholic priesthood, and, in the interest of some Members of this House, like the hon. Member for Huddersfield, who has been detected in the grossest practices of corruption—[“No!”]—as proved before a Committee of this House. [“Order!”]—

MR. LEATHAM: I rise to Order. The hon. Gentleman is surely not justified in speaking of me as having been detected in the grossest practices of corruption. It is really too bad.

MR. SPEAKER intimated that the hon. Member for North Warwickshire would see the propriety of withdrawing the expression.

MR. NEWDEGATE: I am quite willing to withdraw anything but the evidence which is before this House; and I say that there is a Report of a Commission in which the name of that hon. Member appears, and that that document is to be found in the Library. [“No!”]—

SIR JOHN GRAY: I rise to Order. The hon. Member is now repeating his statement in another form instead of withdrawing it.

MR. NEWDEGATE: I have to apologize to the hon. Member, Sir. I find that I ought to have said the brother of the hon. Member for Huddersfield, and that is a fact. I say that the inducements for passing this Bill are not such as are creditable to the House. I speak plainly, because I look on the measure as one not passed by the freewill of Parliament. I look upon it as a measure that is calculated to effect a revolution in our electoral system, to be followed by further measures of a revolutionary character. I speak plainly, and if in speaking plainly I unfairly accused the hon. Member for Huddersfield, I apologize; but I point to documents which are before the House, and if they

apply to his brother and not to himself, still I appeal to the fact that those who are most urgent for the passing of this Bill are connected with those who have suffered for corrupt practices. I will now call the attention of the House to another subject. We have a new system to deal with in the Roman Catholic Church, particularly among the priesthood; and we have that system repudiated by Roman Catholics in Ireland, and we have it condemned by a Roman Catholic Judge. I will describe that system, and that there may be no mistake upon the subject, I will not use my own unlearned language. Now, this is the system with which we have to deal, as described by Dr. Dollinger in his letter to the Archbishop of Munich. Dr. Dollinger says—

“It is known that the Jesuits, when they determined to elevate to a dogma of faith Papal absolutism in Church and State, invented the so-called *sacrificio dell' intelletto*—the sacrifice of the intellect—and assured their partizans and disciples, and really convinced many—among whom are even some Bishops, that the most beautiful homage to be offered to God, and the noblest Christian heroism, consisted in this—that man, renouncing his own intelligence, his acquired knowledge, and his discernment, should throw himself with blind faith into the arms of the infallible Pontifical ruler, as the only sure foundation of religious knowledge. To this monastic Order is due in great part the success of raising in the eyes of very many indolence of spirit to the dignity of a sacrifice religiously meritorious.”

That is the doctrine of obedience upon which the Roman Catholic hierarchy and priesthood have acted in Galway. That is the system which is condemned by Mr. Justice Keogh. And here I have an American authority to the same effect. Here I have an Ultramontane publication declaring that this sacrifice of the intellect, and the will is hereafter, under the new dogma of the Papacy, to be the test of religious virtue. Well, we have an example of its action in the election of Members to this House, and yet the House, under the influence of Her Majesty's Government, will not pause before it passes this Bill until the judgment of Mr. Justice Keogh is before it. There is evidence of the most important kind as to the exercise of this power. You are warned that the measure which you are asked to pass will in no way interfere with the exercise of that system of priestly intimidation; yet, with their eyes open to the existence of this new system of tyrannical control, Her

Majesty's Government are as obedient as ever to the dictation of the hon. Member for Cork, whilst the majority of this House are apparently so helplessly committed to the system of secret voting—secret, that is, as against everyone except the priest—that they are about to pass this measure for Ireland as well as England; and I have heard many Irish Members say in private that had they known the revelations which the Galway Election Inquiry was going to produce, they would never have supported this Bill at all, but voted against it. It is now, however, of no use. The majority are committed to the measure. This Bill, we are told, must pass, and must go to the House of Lords. But I am determined that it should not leave this House before I remind the House that a court which the House has appointed, in supersession of its own Committees, has through its Judge warned you that, although you may hope to avoid exposure or to correct bribery, this measure will afford no protection against the priestly intimidation which has disgraced the election for Galway.

MR. VERNON HARCOURT, who had on the Paper a Motion to amend the Amendment of the hon. Member for Cork (Mr. Maguire), by adding the words—

“And also for the purpose of amending the second schedule by inserting a provision for printing the names of the several candidates on the ballot paper in different colours, to be determined by the Returning Officer,”

said, he desired to bring the House back to the Amendment before it. He regretted that the hon. Member for North Warwickshire (Mr. Newdegate) should have brought a charge which he had very inadequately proved against his hon. Friend the Member for Huddersfield (Mr. Leatham). For his own part he certainly intended to vote for the third reading of the Bill; but he should not do so under the influence of the Roman Catholic priesthood, nor because it could be proved by documents in the Library that he or even his brother had been guilty of corruption. As the hon. Member for North Warwickshire had asserted that only those two classes of persons would support the Bill, he begged to assure him that he did not belong to either. Passing to the 26th Rule, which his hon. Friend the Member for Cork proposed to strike out, he ex-

pressed his regret that the Vice President of the Council could not support the proposal, especially as his right hon. Friend disapproved the Rule altogether.

MR. W. E. FORSTER said, he disapproved of assistance being given to the illiterate voters; but the Rule went a great deal further.

MR. VERNON HARCOURT said, that substantially the hon. Member for Cork only wished to get rid of that part of the Rule. He believed that the majority of the House disapproved of the Rule, and the question of delaying the Bill for 24 hours for such an object was really too insignificant to be considered, and ought not to stand in the way of the opinion of the House being taken on it. He knew that he had been accused of being hostile to the principle of secret voting; but he denied that there was any truth in the charge. The fact was that this provision did not protect the secrecy of those who desired protection; and when his right hon. Friend argued that after all the provision would be very little made use of, that only went to prove that it was in the nature of a sham. In truth, it would be made use of by those chiefly whom it was not desired should benefit by it—namely, those that, having bargained to be paid for their vote, would be under the necessity of letting it be known how their vote was given. He could not help thinking the House had got into the present difficulty because they had devoted their attention not so much to perfecting the machinery of the Bill as to devising penalties which could never be enforced. It might be argued that if they got rid of Rule 26 they would disfranchise illiterate voters; and it was to meet that objection that he had placed his Amendment on the Paper. He knew that it had been raised before, but only under circumstances that prevented its being properly discussed; and he hoped, therefore, that the Government would consent to the opinion of a full House being again taken on it.

MR. SYNAN said, he thought the measure had been converted into a Permissive Ballot Bill, not by the adoption of this clause, but by the rejection of the Amendment proposed by the hon. Member for Huddersfield (Mr. Leatham), the result of that rejection being that every elector might, while in the compartment, allow his ballot paper to be seen

by the candidates' agent. If, in the first instance, Her Majesty's Government had adopted the principle of printing the names of the candidates in colours, as was now suggested by the hon. and learned Member for Oxford (Mr. Harcourt), the proposal of his hon. Friend the Member for Cork (Mr. Maguire) would not have been made, because it would not have been necessary. As far as that Motion was concerned, he could not support it, unless the Government adopted the Amendment of the hon. and learned Member for Oxford. It rested, therefore, with Her Majesty's Government to afford Parliament an opportunity of further considering the question which was involved in the proposal immediately before the House, and that with reference to printing the names of the candidates in different colours.

MR. MAGUIRE said, he wished it to be understood that he only desired to expunge from the Bill so much of the Rule now under consideration as referred to illiterate voters.

Question put.

The House divided:—Ayes 279; Noes 61: Majority 218.

MR. W. H. SMITH entered his protest against a measure which was sure to injure and endanger the character of a deliberative Assembly which had long been the admiration of the civilized world. That House, which had always been pointed to as a model for all other kindred institutions to copy, was now about to take a step which would deprive the electors of the power of expressing their views and opinions, and of acting in public as they hitherto had been accustomed to do, and deprive hon. Members of that invigorating influence of public opinion and public responsibility on which they had always laid such enormous stress. If it had been proposed to deprive the public of the knowledge of the transactions of that House—if it had been proposed that the voting in the House of Commons should be taken in secret—it would have been no greater change than the one contemplated by the Bill which required that the electors should poll in secret. He had no doubt that the hon. Member for Cork (Mr. Maguire) who said that in the abstract secrecy was injurious to the individual who practised it, and also to the influence and power of the House, merely

Mr. Vernon Harcourt

expressed the general feeling; but the hon. Member justified the course he was about to adopt in voting for the third reading on the ground that it was absolutely necessary. But if there ever was any real necessity for the Ballot the evidence submitted to Committees of that House showed that that time had completely passed away. He had had the honour of sitting upon the Ballot Committee appointed in 1869, and in no point was that evidence more conclusive than in this, for it showed that bribery, intimidation, and other electioneering practices of a similar character were gradually disappearing. The impression left on the minds of the majority of the Committee was, that there had been a decidedly progressive improvement in public morals, in the sense of public duty with regard to the exercise of the franchise. Since the Act passed by the right hon. Member for Buckinghamshire (Mr. Disraeli) there had been a change in the feeling of both candidates and agents. Formerly it was considered a skilful and clever thing to procure a seat in that House either by bribery or intimidation, or any other undue influence, it being held that the end justified the means. But such conduct was now stamped by public opinion as disgraceful in the extreme. If they desired a healthy House of Commons they must have a healthy publicity brought to bear upon those who constituted that body. It was of supreme importance that public opinion should guide, influence, and control the action of the electors, upon whose course the full light of day should be let in. When they looked to see how the Ballot worked they naturally turned to America; but there they found the Ballot acknowledged to be an instrument of tremendous and enormous corruption. In Australia they found a new and very sparsely populated country, between which and England no satisfactory comparison could be instituted; because there was scarcely anything in common between the constituencies of Australia and the constituencies of Yorkshire, Middlesex, or any of the large boroughs, such, for instance, as those into which London was divided. He objected most strongly to the argument that the rich, powerful, and independent should record their votes in secret.

Mr. MAGUIRE explained that he had argued upon the assumption that

society was composed only of the rich and independent.

MR. W. H. SMITH was glad to be corrected. His hon. Friend admitted it would be a shame to require the rich and independent to vote in secret if there were none poor and dependent; why, then, should the independent be brought down to the level of the poor and ignorant, simply because the poor and ignorant existed? If it was an insult to be required to record one's vote in secret that insult should not be offered in any case, and Parliament should apply itself to the punishment of those who interfered with the free exercise of the franchise. The object of all reform was to obtain a full expression of the views of the people; he consequently objected to this Bill because he did not believe it would add to the completeness of the representation. The popular dislike to secrecy would exhibit itself in positive disgust at being obliged to vote in secret, and instead of 75 per cent of a constituency only 25 per cent would be found going to the poll. And this 25 per cent would be made up of the least informed and least influential part of the community, in whose hands would reside the power of controlling the policy of the country. People generally took no pleasure in doing a public act unless they had the full credit of it. Most people liked to show that they had voted for the man of their opinions, and unless they could do this thousands would refrain altogether from voting. Thus, the indifference to the discharge of public duties which was becoming common would increase, and the character of the House itself would suffer. He objected to the Bill also because it would promote corruption in the small constituencies, which would be quite within the powers of an election manager. Of course, the bribery would be dispensed on the principle of payment by results, a system much favoured by the Education Department, and a candidate with an elastic conscience would no doubt find his account in making an arrangement with a local club upon the basis of results. This would be followed by a cry for the disfranchisement of the smaller boroughs as a matter of course, and a demand for equal electoral districts. He was not prepared for that, because the very inequalities which existed tended to represent more fully and freely the wants, interests, and policy of England than any scheme that might be carefully

contrived on the most nicely-balanced number principle. He did not believe that if they could split up the constituencies of the country into 5,000, each returning a single Member, they would secure such a varied representation as they had at present. There was also a danger of corruption peculiar to this Bill. The ballot box would remain in the possession of the Returning Officer and two partizans; the public would not be represented either personally or by the Press, and what could be easier than for an arrangement to be made between these three? Hitherto the votes were recorded and the elector could check the record; but under this Bill all would be done in the dark, and so easy would it be to tamper with the voting papers by substituting fictitious papers for the real, that although he himself believed it would never be done, it would often be suspected and many unfounded charges would be made against the officers employed, because tampering would be the only explanation which would suggest itself in the case of unexpected results. There was nothing to identify the vote—even the voter himself could not say that a particular voting paper was his; and there was, under the system of ballot papers, absolutely no provision, nor any possibility of making one, to prevent a man who was so minded, and who had the opportunity, from changing the voting papers after they had been placed in the ballot box. He believed there was an amount of honesty among men charged with public duties in this country, even although they were taken almost out of the street for the occasion, which would prevent incidents of that kind from becoming frequent, or influencing to any large extent the result of elections. But, with the unexpected results which he was sure would come from the adoption of the Ballot, the belief would exist that all sorts of abuses had crept in and every conceivable kind of fraud been practised in respect to the ballot boxes. If there were no other mode of securing peace, quietness, and order at elections than the Ballot, a good deal might be said in its favour, however un-English it was, however opposed to the sentiments of the great majority of the people. But he was satisfied that the evils against which the Ballot was directed could easily be repressed by other means. The excitement and other

Mr. W. H. Smith

ill effects produced by the publication of the state of the poll at intervals during the election might, for instance, be prevented by prohibiting such publication. Another argument against that Bill was that it did not even satisfy the supporters of the Ballot themselves. The hon. Member for Huddersfield (Mr. Leatham)—one of the most earnest and able advocates of the Ballot—had spoken of that Bill as maimed and unsatisfactory in almost every respect, although he regarded it as one which ought to be accepted as a basis for future legislation. Now, as he (Mr. Smith) did not wish to have a measure which was thus looked upon as a starting point for further agitation, he said if they were to have a Ballot Bill let it be one which the friends of the Ballot would declare to be satisfactory as far as they were concerned. But he accepted the challenge thrown out by the hon. Member for Gloucester (Mr. Monk). He believed the feeling and opinion of the country to be entirely and distinctly opposed to the Ballot, and he had no doubt that an appeal to the country would result in the return to that House of a large majority of Members who would vote against any Ballot Bill. That feeling had grown in consequence of the conviction that there was not now that necessity for such a measure which might have existed many years ago. Therefore, he desired to say “No” to the third reading of that Bill, and he hoped the House would refuse to pass it, that the feeling of the country might be taken on the question in order to find out clearly whether it was not, as he firmly believed, in favour of the open, manly, and straightforward discharge of the public duty with which every voter was intrusted, not for his own individual advantage, but for the benefit of the State.

SIR FREDERICK W. HEYGATE said, he had also served, like the hon. Member who had just sat down, on the Committee which inquired into that subject, and had come, like him, to a conclusion against the Ballot. The evils connected with elections could be better remedied by other means than the Ballot. The history of that Bill was a curious one. Adopted as one of the Articles of the Charter more than 20 years ago, and then scouted by all reasonable men, the Ballot was afterwards taken up by a Member of that House (Mr. Berkeley),

who, however highly esteemed, was not much thought of for his wisdom, and it was long laughed at and rejected by every responsible politician. All at once, however, it was suddenly discovered to be an important Cabinet measure, and it was subsequently adopted by the House. The Ministry, thinking it necessary to get a case for the Ballot, appointed a Committee, some of the evidence taken before which had had a remarkable light thrown upon it by the circumstances of the last few days. Many of the Members of that Committee thought the measure would be good for England and Scotland, but doubted whether it would be equally applicable to Ireland. Now, the inquiry which had just closed in Ireland had shown that the votes given could not be concealed from the Roman Catholic priesthood. A great deal of evidence had been adduced before the Committee to show that it was impossible to ascertain how the votes would be given, and it was said that if the Roman Catholic priesthood interfered at all, they would only do so by words of counsel. One of the questions asked of the Rev. Mr. M'Dermott was—

"Of your own knowledge, have you ever known a priest address an audience in reference to a coming election?"

The reply was—"Yes." He was then asked—

"In your experience, did they use words of counsel only or words much stronger—words of denunciation, if the votes were not given in a particular manner?"

The answer was—"Only words of counsel, and not words of denunciation." On evidence of that kind the foundation of the Report of the Committee was based. Another important witness examined before the Committee was asked this question—

"I understand that the confessional would not in any way aid the priest in obtaining a knowledge of how a man voted?"

The reply was—"Decidedly not." Now, how was this evidence to be reconciled with the statements made by Mr. Justice Keogh in his judgment upon the Galway Election case? Father Cohen had declared that the confessional could be used, if necessary, to defeat the Ballot Bill, which measure, however, he added, had not become law. Mr. Justice Keogh further stated that he would report the Roman Catholic Archbishop of Tuam, two other Bishops of that Church, and a

large portion of their clergy, as having been engaged in an organized attempt to interfere with the free exercise of the franchise by the electors. The evidence given before the Committee had been entirely contradicted by the statements made before the learned Judge. It seemed to him (Sir Frederick Heygate) most extraordinary that a Bill like the present, which had so few friends in the House, should be considered necessary to pass into a law. In the present day, however monstrous a proposition might be, if it were brought forward again and again, people began at last to believe that it was necessary to accept it. Instead of endeavouring to improve this measure, the House should unhesitatingly kick it out, when it would never be heard of again. He did not believe that the country wanted such a Bill, which was really nothing but a gigantic sham, and which would fail in curing electioneering evils that might more certainly be got rid of by other means. The Irish Land Act had deprived landlords in Ireland of all influence, legitimate or illegitimate, and therefore this Bill would in no way affect them; but still if this measure became law the ignorant voter, whom Parliament had declared to be unfit to enter into a contract, would be left without any guide whatever as to which way he was to vote, because he would not know how the educated classes voted. If the Ballot were adopted, suspicion would be aroused in the event of unexpected results occurring with regard to elections, and the greatest dissatisfaction would exist among the non-electors, who at present possessed some amount of political influence. Following closely upon the Ballot must come universal suffrage, which ought, indeed, to precede it. If the experiment of the Ballot must be tried at all, let it be tried first in England for a limited term of years, at the expiration of which he was satisfied it would fall to the ground. If it were extended to the whole of the United Kingdom, the result would be to throw the entire management of elections into the hands of two classes of people—of the priests in Ireland, and of the Press in England. He begged the people of this country and the House to throw off the hypocrisy of pretending that they were bound to pass this measure into law. If the country were really anxious to have it, the matter ought to be sub-

mitted to it by means of a General Election, when the real views of the people with regard to it could be ascertained.

MR. WATKIN WILLIAMS congratulated the right hon. Gentleman in charge of the Bill on the able and skilful way in which he had steered it through Committee. He had always felt that, considering so many Members on his side of the House, and supporters of the Ballot were evidently not earnest in their desire to have a secret voting measure in all its integrity, great allowances ought to be made for the difficulties with which he had had to contend. The Bill had been described by its enemies and those who hoped to destroy its efficiency when put in practice, as having been emasculated in Committee, and rendered altogether ineffectual as a security for protecting the voter by secrecy, and having been made, in fact, nothing but a sham Ballot. From this view he entirely dissented. Having carefully watched its progress in Committee, and having since had an opportunity of conferring with some of his own constituents, who were warm advocates of the Ballot, he and they were satisfied that, as it stood, it provided perfect security and protection to the voter by the absolute and inviolable secrecy of the mode of voting. It seemed to him that the Ballot, in order to afford a real protection to the coerced or intimidated voter, must not only provide a means of voting secretly, but must go further, and compel the voter to vote secretly. Permissive secrecy left the coerced or intimidated voter open to the alternative of compulsory publicity. His position was precisely that which was expressed by the law which said that "may" in certain statutes had the force of "shall," which only meant that when a general duty or force commanded them to do all they could in a particular direction, the mere ability to do a thing became instantly converted into an obligation. He could quite understand people objecting to the Ballot altogether, but he could not understand anyone being in favour of a permissive Ballot. His own natural instincts led him at first to dislike any system of secret voting, and he even now deplored the necessity for it. He had that day spoken and voted boldly on another question in a manner which he knew would be very displeasing to many of his constituents, and it might

Sir Frederick W. Heygate

readily be supposed that, with his temperament, he should prefer the exercise of the franchise in a manly open way, in the face of day, and with all the responsibility of publicity; but the misery, wretchedness, and unnecessary trials to which he had seen plain and simple people subjected by tyranny and coercion had made him, some years ago, an unwilling but firm convert to the Ballot in all its integrity as a compulsory system of secret voting. Coercion and undue influence was not chargeable more to one side than to the other, nor was it exercised for the most part—so far as his observation went—by the great landed proprietors, but was resorted to chiefly by petty squires and owners of cottage property and local magnates surrounding county towns, who wished to curry favour with their more aristocratic neighbours. The tyranny and discomfort which such persons inflicted on the small tradespeople and artisans was intolerable, and had driven them to the Ballot as an unfortunate necessity, if the franchise was to be exercised by the people; and how could it be contended that a system of permissive secrecy would afford even a shadow of protection to voters so situated? He never could understand the honesty of such an argument. Suppose, for example, that in a district a proprietor had 300 small tenants—that the privilege of voting secretly was permissive, and that 275 of those tenants declared that they would, like men as they were, vote openly, and so voted in favour of their landlord, he should like to know how anyone could candidly say that the remaining 25 could derive any real protection from the Ballot. He wished to show that the provisions of the present Bill afforded a perfect security; but, before doing so, he wished to remove a misconception which he found to prevail respecting the secrecy aimed at by the Bill. It never was intended to be proposed that any elector should be prohibited from declaring which way he intended to vote, or which way he had voted—the whole scheme of the Ballot was directed and limited to enforcing secrecy in the act of voting, it being obviously impracticable to prohibit a man from talking about the way in which he intended to vote, or how he had voted. In order to secure and enforce compulsory secrecy, it had been proposed at one time by the hon. Member for Hud-

dersfield (Mr. Leatham), that the disclosing by a voter of a voting paper after it had been marked should be made an offence punishable, summarily before a justice, with six months' imprisonment. He thought at the time that that was a formidable proposition, and that it would have been far better to have summarily punished the disclosure of the voting paper by forfeiture of the vote, or some trifling fine, and to have confined the severer punishments to those who induced the voter to violate secrecy. That hon. Member's proposition was, however, negatived; and since then it had been loudly proclaimed and boasted by hon. Gentlemen opposite, that as the Bill now stood it would be no violation of the law for a voter openly to show his ballot paper in the polling-place after he had marked it, so that it might be seen and known which way he had voted. He had no hesitation in saying that that was a total misrepresentation of the nature of the Bill. It could not be too clearly or too widely known that, according to the present Bill, it would be a violation of the law for an elector to show his ballot paper open after he had marked it; and that his doing so in such a manner as to enable it to be seen which way he had voted might render himself and others liable to several serious consequences. Clause 2 ran thus—

"The voter having secretly marked his vote on the ballot paper, and folded it up so as to conceal his vote, shall place the same in a box, &c."

Now, here was a direct and positive enactment that the voter should secretly mark his vote, and then fold the paper up so as to conceal his vote; a violation of which would be a violation of the Act of Parliament, which would be attended with more serious consequences than some people were perhaps prepared for. Then, again, Clause 4 said—

"Every officer, clerk, and agent in attendance at a polling station shall maintain and aid in maintaining the secrecy of the voting in such station."

And further—

"No person shall directly or indirectly induce any voter to display his ballot paper after he shall have marked the same, so as to make known to any person the name of the candidate for whom he has voted."

And further—

"Every person who acts in contravention of this section shall be liable to imprisonment for six months, with or without hard labour."

VOL. CCXI. [THIRD SERIES.]

In the face of such provisions as these, it was astonishing that hon. Members could get up in that House and state that under the present Bill it was optional with the voter either to show his voting paper or not, and that his doing so would be no violation of the law. He thought that this fallacy and misrepresentation could not be too widely exposed. It should be fully known and understood that the language of the Bill commanded the voter to observe secrecy in the act of voting. And further, that if the voter attempted to show his paper it was the imperative duty of all persons at the station to prevent him from doing so, to abstain from looking at it, and to aid generally in maintaining the secrecy of the voting, and that a violation of this duty was punishable summarily with six months' imprisonment. There was no doubt that this secured absolute and inviolable secrecy in the act of voting, so far as the law could secure it; and if the Bill contained no other provision than that, he would have been perfectly content with it. When it was fully understood what the law was, he believed that there was loyalty enough on the part of the agents and all parties concerned—at least, in that part of the country with which he was best acquainted—fairly and honourably to carry out the intention of the Legislature without the necessity of resorting to any punishments to enforce the law. As to bribery, he did not know what would be the probable effect of the Bill. Bribery was totally unknown in Wales. [An hon. MEMBER: You have intimidation in Wales.] Intimidation and undue influence were exercised in Wales, and his object in supporting a real and effective Ballot Bill, such as he believed this to be, was to put a stop to such practices. He did not believe that either political party would in the long run obtain any particular advantage; but it would undoubtedly promote freedom of election and bring out the honest opinion of the country, and for that reason alone it would be a valuable measure. It was said the country did not want the Ballot at all. If that was true, he would admit that the Bill ought to be rejected by the other House; but there was an extraordinary misconception on this subject. He had taken great pains to ascertain the real truth; and if there was no excitement or agi-

tation in the country, it was because the Ballot was regarded as a foregone conclusion. The constituencies had made up their minds that the Ballot would become law, and they meant to have it. That such a feeling should be construed as indifference was a circumstance deeply to be deplored. He trusted that this long-contested question would be speedily settled, and that Parliament might thus be enabled to devote its time and attention to remedial measures, which were much required. If, on the other hand, through a misconception as to public feeling on the subject, the Bill should in "another place" be either so far altered as to be deprived of its essential provision for compulsory secrecy, or be thrown out altogether, he believed a storm of agitation would be raised throughout the country, and beneficial legislation would be postponed for an indefinite period. Of one thing he felt certain—that the country was determined to have an honest and complete system of secret voting.

MR. G. BENTINCK said, there was an old proverb, "Live and learn," and he had learned something that evening. When the House was discussing this subject last year he was not, he confessed, fully alive to the great sagacity displayed by the Prime Minister in directing his friends and supporters to maintain a total silence in regard to the Bill. This year, although he heard many able arguments against the Ballot Bill from the Opposition benches, he had listened to nothing in point of stringency and force to compare with the speeches of those who had intended to speak most strongly in favour of the Bill. The hon. Member for Cork (Mr. Maguire) had begun his speech by telling the House that if it expressed its candid opinion there would not be found 10 Members in favour of the Ballot. The hon. Gentleman had said that this Bill would become the law of the land. He would not presume to enter into a contest of prophetic powers with the hon. Gentleman; but he must be allowed to be a sceptic on that point. He would ask the hon. Gentleman, as a man of long Parliamentary experience, whether he could refer to any instance of a Bill dealt with by the House as this Bill had been which had become the law of the land? In his own experience he knew nothing of the kind. All the most stringent clauses had been struck out by

Mr. Watkin Williams

a House of Commons which was said to be strongly in favour of the Ballot. [Mr. W. E. FORSTER: No. Which clauses?] The clauses which the right hon. Gentleman himself said were essential to the character of the Bill—the only clauses which could enforce secret voting. The hon. and learned Member whom he had the pleasure of following was quite accurate when he said that corruption was not confined to any particular party. No; corruption was practised by every party, especially in electioneering matters; and it was because it had been established upon indisputable evidence that nothing could so much facilitate corruption as the passing of a Bill for secret voting, that he had always opposed this measure. The hon. and learned Gentleman went on to say that secret voting would put a stop to bribery; but he (Mr. Bentinck) was of opinion that most people would think that secret voting would prevent the detection of bribery. He had not heard any hon. Gentleman get up to grapple fairly with this question, and to show how it was possible by secret voting to prevent unmitigated corruption. The hon. Member for Westminster (Mr. W. H. Smith), who had made a most able speech to-night, had said, with great truth, that the people did not want the Ballot, and were really not in favour of it. An attempt, however, had been made by the hon. and learned Member (Mr. Watkin Williams) to prove that there was a strong feeling in favour of the Ballot, and he indulged in a practice sometimes adopted by hon. Members, who took what was called a popular view on the subject, he predicted all sorts of dreadful consequences if noble Lords in "another place" presumed to differ in opinion from the Assembly which he had now the honour of addressing, in which Assembly, however, the most active supporters of the Ballot were strongly disinclined to this measure. He trusted that in "another place" it would not be forgotten that the two men in this House most at issue on the principle of this Bill were the right hon. Gentleman who had charge of the Bill and the right hon. Gentleman at the head of the Government. These two right hon. Gentlemen were distinctly at issue upon a most important principle. The right hon. Gentleman (Mr. Forster) had told them that he was the advocate of secret voting. There could be no mis-

take upon that subject, and he thought it was proper to give the right hon. Gentleman a reminder on the subject. The Prime Minister used words which he would now quote. It was true the right hon. Gentleman would say they were addressed to a few gentlemen at a country house. But 16 or 17 gentlemen were present on that occasion, representing a very large deputation, and the speech occupied two columns of *The Times*, so that it could hardly be called a mere conversational statement. Alluding to the Ballot Bill, the right hon. Gentleman said—

“We mean to put it into the power of the voter to vote secretly, if he likes. The principle on which we proceed is, that the voter must be the best judge whether he needs protection. Where he needs protection the Ballot will give it; where he does not, there will be no secrecy, and his vote will be pretty nearly as well known as it is now. [*Loud cheers.*] It is in that sense that I hope the Ballot Bill will speedily become law.”

Now, it was impossible for the English language to convey an opinion more strongly in favour of making this measure apply only to men who wished to resort to it, leaving to others the option of open voting. Unless these conflicting statements could be reconciled, the Bill must go to “another place” marked in this way—the Prime Minister saying that the Bill was to be optional, whereas the right hon. Gentleman who had charge of the Bill said it was to be enforced by penalties. There was another point to which he wished to direct attention, which had been adverted to by the hon. Member for North Warwickshire (Mr. Newdegate). Hon. Members were aware of the observations which had been made during the last few days by a learned Judge (Judge Keogh) in the sister country, and he (Mr. Bentinck) would ask whether any man in his senses, having regard to what he had there learned respecting the conduct of the Roman Catholic priesthood in Ireland, would vote with satisfaction for the extension of this measure into that country? Was it possible to conceive, on the part of a Protestant country—and he hoped England was yet a Protestant country—a more complete surrender of all the rights, privileges, and independence of the electors of Ireland, than to place them in the power of the Roman Catholic priesthood by such a Bill as this? If the Bill had been re-committed in accordance with the Motion of the hon.

Member for Cork (Mr. Maguire), he should have moved the insertion of a clause exempting Ireland from the operation of the Bill, and he hoped that such a clause would be introduced in the other House of Parliament. Meanwhile, it should stand on record that the right hon. Gentleman who had carried the Bill through the House with so much courtesy, good humour, and ability was most attached to the penal clauses.

MR. MAGUIRE said, it was scarcely fair to refer at present to the judgment of Mr. Justice Keogh, a very imperfect report of which had appeared in the London journals.

MR. SPEAKER said, the hon. Gentleman, having moved the Amendment and spoken to the Question, was not entitled to speak again.

MR. AGAR ELLIS said, as this was said to be the last time on which the principle of the Bill could be discussed, he would like to have a quiet growl at it. He could not quite make out what the Bill did. It certainly abolished the nomination day, which he thought should be maintained, its abuses being corrected. But, without obtaining secrecy, it seemed to him that the Bill encouraged bribery, while it in no way that he could see prevented intimidation. Now, secrecy was the *summum bonum* of those who favoured the Ballot system; but the most ardent supporters of the Ballot could not say that they had obtained secrecy under the Bill. A voter might have a wife—he was not bound to hold his tongue to her—or by some means or other his vote might become known. Persons who sought to intimidate or coerce might in the period elapsing between one General Election and another make it their business to find out how a man had voted, and by a process of exhaustion the discovery would not be difficult: at all events, such persons would act on their supposition. He was convinced that a landlord or any other person desirous of ascertaining how a man had voted would be able to do so within a few months after the election, and that he would thereupon act as he had acted hitherto. As to bribery, the Bill would certainly encourage and facilitate it. What would be easier than for a gentleman anxious to become a candidate for a constituency to wait on the organizers of the party, learn what the cost of the seat would be,

and undertake to pay the amount upon being returned? It was said, indeed, that persons would not disburse money without being sure of a return for it; but people were found to bet money on the Derby 12 months beforehand, taking the risk of the particular horse dying or becoming disabled, and in the same way money would be hazarded on the event of an election. The hon. and learned Member for Denbigh (Mr. Watkin Williams) had talked of compelling people to vote secretly; but how could that be effected? He should probably give offence to his political friends by the remark he was about to make; but he maintained that the whole Ballot system was un-English. He would explain what he meant by that. If the Ballot had any value it was as a protection to the weak voter. Now, his employer would have as much a right as at present to ask him how he was going to vote, so that the only protection of the Ballot would consist in his telling a downright falsehood. Did Parliament intend to teach people to tell falsehoods in the exercise of the most important duty of citizens? What was the cause of the great disaster in France? It was that nobody had been telling the truth. From the Emperor to the peasant they—he would not use a strong word, but they did not tell the truth. This system culminated in the last *plébiscite*, when the poor peasants eagerly voted for the Empire on the assurance that it signified peace—the country in a few months being plunged into grievous disasters. He was sorry to disagree with hon. Members among whom he sat, and with whom he was probably at one on every other political question; but entertaining strong feelings on the matter, he had felt himself bound to give expression to them.

SIR WILFRID LAWSON said, he thought it would have been extraordinary had these debates concluded without the introduction of the argument that the Ballot was un-English. He believed not a single Member opposite had resorted to it, and he felt rather ashamed that the cry should have been raised by an hon. Gentleman on his own side of the House. Hon. Members were all in good spirits at having got rid of Ballot debates, for they had certainly had enough of them this Session and last. Indeed, he had found that during the two Sessions there had been 129 divi-

Mr. Agar Ellis

sions on the subject. It was creditable to hon. Gentlemen opposite to have made so gallant a fight against superior numbers; but they had happily only been able to damage the measure when aided by deserters from the Ministerial side. The Bill was not perfect, for the House was not in the habit of passing perfect Bills on any subject; but it was a great measure, and, as the embodiment of the principle that a man's vote was his own, it would effect a revolution in election proceedings. With honest officials it could be satisfactorily worked. If honest officials could not be found, the country must be in a much worse way than anybody believed to be the case. The allegation that the Ballot would increase bribery was sufficiently disproved by the experience of our colonies and other countries. The Bill was not without faults, and he regretted the rejection of the clause proposed by his hon. Friend (Mr. Leatham); but he believed it contained provisions which would ensure that the vote would be given secretly and that the paper would not be shown when marked to any person. He thought, too, that when secret voting became the law of the land, many even of those who disliked it would honourably shrink from any infringement of it. Another defect in this Bill was the provision which enabled the ballot paper of the illiterate voter to be marked by another person; but if it should in practice be found to be a great evil, it would be easy to put the matter right afterwards by a short Bill. He thanked his right hon. Friend who had charge of the Bill for the care, ability, and good feeling he had exhibited in conducting it through the House, and he was sure that the right hon. Gentleman would feel more pleasure in passing a measure to promote peace and good order, with the aid of his Friends, than in having passed two years ago, with the aid of his enemies, another Bill calculated to produce a contrary result. The right hon. Member for Buckinghamshire (Mr. Disraeli) stated last year that he had ransacked the election addresses of hon. Gentlemen, and found that very few of them alluded to the Ballot; but they all knew what had been declared by the votes of the Liberal Members in that House, and they were all aware of the unanimity with which the Bill had been supported by the Liberal party. After

to-night the Bill would go to "another place" where, perhaps, it would encounter greater dangers than it had met in that House; but he hoped that if the House of Lords should spoil the Bill, and strike out the provisions which enacted that the vote should be given secretly, the Government would have the courage to reject the measure so altered rather than pass a sham Bill. Let the country have a real Bill, for a sham Bill would be worse than no Bill at all; and he believed that if the Government took the course he recommended they would safely get over every difficulty.

SIR STAFFORD NORTHCOTE said, he thought that there could be but one feeling of sympathy with the hon. Member who had just sat down, that the congratulation he was prepared to offer for the success of the Bill had been somewhat spoilt by the little bitterness which had been infused into the cup by the hon. Member who preceded him, and who revived the good old phrase, and described the Bill as "un-English." Now, he (Sir Stafford Northcote) did not know why they should be particularly ashamed of reviving that old phrase, which was singularly apposite in expressing the objections felt to the Bill. They who sat on the Opposition side of the House did say that this was an un-English Bill, not because there was necessarily anything un-English in giving a vote secretly under certain circumstances, but because it was at variance with the whole history of the growth of their English freedom, and because the arguments by which it was supported were drawn not so much from English, but from foreign authorities. He felt that they in England might consider themselves rather the leaders than the followers in the establishment of political freedom, and might consider it better to follow their own precedents than those of other countries. He contended that, speaking broadly, the course which English history had followed had been a course of open contest against great difficulties and dangers; and the English nation had attained to the proud position it held among the constitutional Nations of the world by manfully facing dangers and difficulties far greater than those which this measure was intended to face. Looking back upon English history, and upon those struggles which from time to time the people of this country had gone

through; against the undue influence of the Crown, or of the Barons; against undue ecclesiastical influence, popular fanaticism, corruption, or a hundred other influences which the people had to contend with, they had no need now to fear to meet other struggles which might be in store for them with the same manly spirit which animated their forefathers, and which led them to the position which they now occupied. In the political institutions of the country, and in the general life of the country, which was the expression of those political institutions, they had that for which they might be thankful and proud. There was no other Nation that possessed such an Assembly as the British House of Commons, which furnished an attraction for men of rank and position, men who might enjoy every luxury with ease and respect, but who were yet proud and anxious to make great sacrifices in order to take their part in the councils of the Nation, to fight openly in those contests in which they in that House were engaged, and in which, whilst they had no private end to gain, they felt that they were doing a public duty. But did that spirit only animate those who were elected as Members of Parliament? It permeated the whole community; and numbers among that community would be found prepared to sacrifice time, to encounter odium, and difficulty, and labour for the sake of promoting the cause which they thought was, on the whole, the broad national cause. There was that spirit abroad, and it was not desirable to see that spirit sicklied over or diminished. He did not deny that there was a reverse to this picture; and the reverse was that the electoral system was subject to various drawbacks and evils which they would be glad to get rid of, if they could remove them without destroying the old spirit and principles of the system itself. The standard complaint was that the period of election was a period of riot, Saturnalia, intemperance, and debauchery on the part of the people. Another and sad complaint was that the elections were to some extent tainted with bribery and corruption, vitiated by intimidation and coercion, and were not entirely free from the danger of fraud. Well, those evils were admitted, and it was acknowledged to be a great object to contend against them, and to try to get rid of them. But for that purpose

was it necessary to go through this revolution prepared by the Government? Were there no other modes by which those evils might be dealt with, and had not they already adopted some of those modes, the effect of which had, to a certain extent, been tried, and which were in harmony with the genius and spirit of the Constitution and people? Might they not, then, in any struggles of the future, look to such remedies for the same results as had been experienced in the struggles of the past? He did not think the elections of the present day were more chargeable with those evils than elections of half-a-century ago. Never was there a time when there was a more earnest desire than at present honestly to put down those evils by the legitimate pressure of the law, and by discouragement on the part of public opinion. The laws were made more stringent, and public opinion was vastly gaining strength against them. He did not know whether what was now proposed would take away from the force of the law; but he was sure that it would greatly take away from the force of public opinion. If it were true that elections were now less disgraced by rioting and debauchery than in times past, and that bribery, intimidation, and coercion were less prevalent, to what was that owing? To the force of public opinion brought to bear on all those evils. They had a striking instance now before them of the manner in which these most formidable evils were dealt with, which would be referred to all over the country. He spoke of that courageous judgment which had just been delivered in Ireland. He said it was that kind of spirit and expression to which they must look if they would really eradicate these evils from their system. He did not say they might not put them out of sight by such a measure as this; they might smother, but they could not cure these evils. If their object was to eradicate these evils from the English people and system, they must attack them by open, not by secret means. Was it necessary to have recourse to this measure for the repression of these evils? He answered boldly—he said that it was not. He went further; he asked would this measure really prove a cure of those evils? Rioting and debauchery it would have nothing to do with; and with regard to bribery he very much doubted

whether anyone in the House, with the single exception of the right hon. Gentleman having charge of the Bill, really in his heart believed that this measure would to any sensible extent diminish bribery. Probably it would to some extent change the form of bribery, but it would not put a stop to it. The right hon. Gentleman never said anything he did not believe; and whenever he was challenged on this subject he always got up and said one thing, which was this—that he could not believe a man would think it worth his while to bribe if he did not know how the person bribed had voted. Now that was an argument which might pass muster once in a speech, but which could not satisfy the mind of any reasonable man when it was calmly examined. If a man now gave £5 for a vote he had no security that the vote would be given for him. The money was paid, and nothing was more common than the statement on an election that So and so had taken bribes and voted against the man who had bribed them. They had now no check against that; for a promise to vote was not like an engagement to plough a field. If a man failed to do so he might be sued for breach of contract, or he might be told he would never be employed again; but they could not enforce an immoral contract. The risk run would be the same as at present, and the briber would be able to take measures in 50 different ways to secure that he got his money's worth. One suggestion frequently made was that there would be bribery by organization; a certain number of men would undertake, if paid so much, that so many votes should be given, and they would find a way of providing them. He thought, therefore, the inducement to bribe would be pretty nearly, if not quite, as strong as at present. The difficulty of detection would be greatly increased; and setting one against the other he believed this measure would go rather to increase than to diminish the temptation to bribery. Then, with regard to fraud, everybody admitted there would be much greater danger of fraud than at present. The only question was whether this measure, in any satisfactory way, would stop the greatly increased temptation to fraud. He feared it would be found exceedingly difficult. The measure would introduce new frauds. There

Sir Stafford Northcote

was great danger of fraud on the part of the officers engaged in conducting the election, and if they shook the confidence reposed in those officers they would shake the very foundation of the whole electoral system. He ventured last year to mention some instances of the kind of dangers and frauds which might arise, and he would not now go back upon them, but the House might depend upon it they deserved serious consideration. But the main point of all urged in favour of the Bill was that it would stop intimidation and coercion. Now, did they really believe it would have that effect? He had no doubt the right hon. Gentleman did believe it. But would it diminish the more insidious forms of those evils? There was one class of coercion — moral, religious, spiritual coercion, against which they might be able to guard, as in the judgment to which he had alluded; but he did not speak only of coercion by priests of a particular religion, because difficulty might arise among other classes. Many persons might appeal to moral considerations, and exercise a very serious coercion over the minds of the people, and induce them to vote otherwise than they might do if they were free to vote. That might be so not only with regard to ecclesiastical systems, but he should be surprised if it were not found to be so under the organization of trades unions. No argument had more force with certain Members, especially on his side of the House, than this—the Ballot was not so much a protection against the landlord or employer as against the customer and the trades union; and the alarm created by trades unions had no doubt a very considerable effect in making converts to the Ballot. But did they really think that the Ballot was going to protect them against the intimidation of trades unions? He did not believe it would. If trades unions took it into their heads that it would be important for them to interfere with an election, and they determined to exercise coercion and intimidation over their members to induce them to vote in a particular way, they would be able to coerce and intimidate under the system of the Ballot as well as under the system of open voting. He did not deny there were some evils that might be stopped by a system of, he might call it temporary Ballot or temporary secrecy, pre-

venting the vote being known at the moment or intimidation being practised on the day of polling; but he argued against the system of voting where the vote was not to be known afterwards. The voting might be kept secret in certain cases, but not in the case of trades unions. An organization of men dealing with their fellows, seeing them day by day, having a regular system of espionage, a regular system of questioning and cross-examining, would be able sooner or later, by a species of moral torture, to find out how the men voted. The hon. and learned Member for Denbigh (Mr. Watkin Williams) said that permissive secrecy was no secrecy at all. Take, for example, the case of a man with 300 tenants, and that 275 desired to vote openly, whilst 25 asked to vote secretly. Could he not make a pretty shrewd guess of the way in which the latter voted, although their votes were supposed to be given secretly? The case would be the same with trades unions or any other similar body of men. Did they suppose that some process of this kind would not be resorted to in order to discover how certain men, who were suspected by the officers of trades unions or other large bodies, were about to vote, or had voted? In such cases they would have the intimidation of suspicion substituted for open and direct intimidation. The crop of evils they were endeavouring by this Bill to smother would spring up under other and new forms. He contended that this Bill would not be effective in suppressing those evils, but it would prove productive of other and greater evils. The Bill would greatly help to extinguish that political courage in the country which it ought to be their endeavour to foster and encourage. Some of the reasons given by its advocates for the Ballot were in his mind base reasons. It was to be imposed on nine-tenths of the electors who did not want it, for the sake of the one-tenth who did, who were the weakest, least courageous, and least conscientious portion of the public; and it would protect the weak and the feeble, who lacked courage, at the expense of other qualities. Having enlarged their constituencies, what they required to do was to cultivate manly, honourable, and honest political feeling, and that sense of honourable shame which would make a man afraid to give a vote from private pique

and private interest instead of voting for that which he believed to be for the public good. So far as party feeling conduced to keeping up that honourable shame, it was an excellent principle; and, kept in check, as it ought to be, by the expression of public opinion, it was a quality which they would rue to get rid of. Were they really to go on the principle of protecting persons from unpleasant consequences that might follow the discharge of public duties? He trusted not. Voting at elections was not the only public duty the performance of which exposed one to danger. There recently appeared in the papers a thrilling narrative of the sufferings of a poor woman who was savagely assaulted for giving evidence in a Court of Justice, which she did simply from a sense of public duty. Were they, therefore, to say that evidence should be given secretly for the protection of witnesses? They did all they could to protect witnesses by bringing public opinion and the law to bear upon those who interfered with them; and were they to make the election of Members of Parliament an exception to that rule? That was an English measure contrary to the whole spirit of English institutions, and though that night's vote against it might be only a protest, he hoped the public mind was not so completely made up as to be insensible to the objections to the Ballot. The Government had seen how their own supporters fell off from unwillingness to endorse the extreme features of the measure, which they felt were contrary to the genius of English institutions, and those defections faithfully represented the feeling of doubt which pervaded the country as to the wisdom of the policy of the Bill. The party with whom he acted did not deny that the Government had brought the measure forward for good objects. But they on his side of the House had the same good objects in view. Their ends were the same; but the mode by which they wished to attain those ends were widely different. In opposing this Bill they were not less anxious than the Government to put down anything in the shape of illegitimate influence—such as corruption, intimidation, and fraud; and it was because they believed that bringing public opinion and the law to bear upon admitted evils was the more excellent way that they entered their

protest against the third reading of this Bill.

MR. W. E. FORSTER said, it would ill become him to detain the House at any length at this ultimate stage of the Ballot Bill—indeed, he should have contented himself with thanking it for the patience with which it had borne with him throughout these protracted discussions, were it not that, having charge of the Bill, there were two or three remarks which had been made which should not be allowed to pass without some observation from him. No doubt, the object on both sides of the House was the same—to make elections pure and free, and to encourage honest political feeling; and it was for these objects he so earnestly supported the Bill. In the present state of their social arrangements they could not secure honest political feeling in any better way, nor in any other way, than by making it clear that the vote was the voter's own; that he was responsible to his conscience for it; and that no man had a right to interfere with the giving of it, nor to ask how it was given. It was all very well for them to talk of voters manfully contending with their difficulties; but they must put themselves in the position of voters exposed to undue influences. Every person who intimidated, bullied, or bribed knew at present how a man voted, and therefore it was thought necessary to take away this knowledge, in order to take away from everyone to whom a vote was not given the power of interfering with the man whose duty it was to give it. The right hon. Gentleman (Sir Stafford Northcote) used one extraordinary argument. He said that the effect of their Bill would be to substitute for the present influences moral coercion. He (Mr. Forster) had no objection to replacing the present coercion of employers, or landlords, or trades unions, by moral coercion. Their policy was to replace coercion by persuasion, and persuasion was moral coercion. What they desired was, when the Bill became law, that the enormous majority of voters who desired it should be accessible to persuasion, but should not be approachable by coercion. That was the object and ground of the Bill; that was the reason why the constituencies of the kingdom desired that it should become law. As respected bribery, he still believed very strongly that by no means could they

Sir Stafford Northcote

stop an illegitimate trade more completely than by making the buyer very uncertain whether he wanted the article for which he paid. That had been found to be the result of the operation of the Ballot wherever it had been fairly tried. The late Prime Minister of Sydney (Mr. Cook) said he had never heard of a case of bribery since the introduction of the Ballot—secret voting prevented it; and in the course of the debates on this Bill it had been admitted by the noble Lord the Member for North Leicestershire (Lord John Manners) that candidates would not convey voters to the poll because it would not be known how they voted. Possibly the operation of the Ballot might lead to wholesale bribery, which could be practised now; but still the Bill, so far as it produced such bribery, would drive men into an uncertain and dangerous method of bribery instead of a comparatively easy one. It would be as easy under the Bill as it was now to detect bribery. It was not necessary to a conviction that you should know how a man voted. He now wished to remove some misconceptions as to the real character of the Bill. Often had he observed that every measure of importance had to go through three stages before it became law. First, their opponents endeavoured to prevent its being passed at all; next, they tried to spoil it; and, on this attempt failing, they exaggerated faults and deficiencies in the hope that even some of the original supporters might be induced to give it up. The latter course had been adopted to a considerable extent by hon. Gentlemen opposite, and he was not surprised at it, because it was good policy on their part to do so; but he would remind the supporters of the Bill that the more their opponents lamented over the Bill that it was not strong enough, the greater his suspicion that they wished to get rid of the measure, because it was strong enough to make them thoroughly dislike it. The hon. Member for West Norfolk (Mr. Ben-tinck) had made a most extraordinary statement that evening, that all the most stringent clauses had been struck out by large majorities, and that the only clauses which enforced secret voting had been expunged. He would, therefore, briefly state the provisions for secret voting in the Bill as it stood, as it was important there should be no mis-

conception in the country on the subject. The 2nd clause stated that the voter must secretly mark his vote on the paper, seal it up, and place it in the ballot box. After that clause was passed the Amendment of the hon. Member for Huddersfield (Mr. Leatham) was rejected by the Committee, and that circumstance led him to think it would be better to make still more clear the object of the Bill in regard to the mode of voting. Consequently, he introduced in the 25th sub-section, 1st Schedule, an Amendment, which was passed unanimously, adding these words—"and fold it up so as to conceal his vote, and shall then put his ballot paper so folded up into the ballot box." Therefore he could not understand how the hon. Member for West Norfolk could assert there would be no secret voting. Any transgression of this clause would be an infringement of an Act of Parliament, and any offenders in this respect would be guilty of a misdemeanour. He did not say, however, it was probable that an action would—nor did he think it desirable that it should—be brought except in the case of a determined endeavour to defeat the object of law; but as the law at present stood such a determined endeavour could be met. It was quite true the special penalty proposed by his hon. Friend the Member for Huddersfield had not been accepted by the Committee. If he had deemed it a vital Amendment, he could not be excused for not having brought it forward; but the ground he took was that, although it was certainly an additional safeguard, he much doubted whether the House would feel inclined to pass that special provision. He need not remind the House that the 4th clause provided, under stringent penalties, that all persons in the booth should preserve secrecy as to the way votes were given, and that no person, in or out of the booth, should, directly or indirectly, induce a voter to decipher his vote. To the allegation that this was a Bill of Pains and Penalties, his reply was that if they were to have secret voting they had a perfect right to impose penalties on those who tried to defeat the law by inducing a voter to declare how he had voted. This was done in a clear manner by the 4th clause, and the result was that this was the strongest Bill for secret voting—with the exception of that passed in South Australia—which had ever been

brought before any Legislature. The Bill would leave that House that night, and he believed it would become law that year. Of course, it was not for anybody in that House to prophecy what the other House in the exercise of its constitutional power might do; but he entertained a strong and confident conviction that the Bill would become law, because the other House of Parliament would feel this was a matter specially concerning the House of Commons, and one on which the House of Commons had unmistakably shown their opinion. He also thought their Lordships could not be blind to the fact that the constituencies of the country were determined the measure should become law. ["No, no!"] There could be no doubt as to the large majority of the constituencies. [An hon. MEMBER: Try them.] The Members for Liberal constituencies were the best judges of the feelings of their own supporters, and there could be scarcely a Liberal Member who was not aware that if an election came on to-morrow his supporters would expect him again to vote for the Ballot. Nay, he would go further, and state his belief that the same opinion was held by a large proportion of the Conservative constituencies of the country. He based that statement on two undoubted facts. Recently there had been two important meetings, at which most influential Members of the party opposite attended. First, there was a meeting held a few weeks ago at Manchester. When the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) went to Manchester, all the Lancashire Conservatives, as was natural, gathered round him. The right hon. Gentleman entered into almost all the questions interesting to the country with the exception of the Ballot. When this Bill was introduced, the right hon. Gentleman took the opportunity of declaring that to its principle he should give his unceasing and unflinching opposition. But if the Conservatives throughout the country were as hostile to the Ballot now as they were two or three years ago, would not the right hon. Gentleman have taken advantage of the opportunity afforded by the meeting at Manchester to have rallied them round him in support of his unceasing and unflinching opposition to the principle of the Bill? Would not the country have been immediately informed

Mr. W. E. Forster

that Lancashire had spoken out against the Ballot? The Ballot was the only question of importance which was not alluded to either by the right hon. Gentleman or any person who addressed that meeting, as far as he could find from the reports of what occurred. Again, there was the meeting, almost as important, recently held in Bradford, at which his right hon. Friend (Mr. G. Hardy) whom he was glad to claim as a fellow-townsmen, and the right hon. Member for North Northamptonshire (Mr. Hunt), attended. Well, at that meeting also almost every political subject was treated of except the Ballot. These facts would have their weight in the other House, as they must have here, and would convince that Assembly that the time had now arrived when the unmistakable desire of the large majority of the constituencies ought not to be any longer interfered with.

SIR DOMINIC CORRIGAN remarked that hon. Members who denounced the Ballot as un-English, nevertheless used it in their clubs. The Ballot would afford to the constituencies a protection which they desired and had a right to demand, and which Parliament could not in justice or with safety refuse.

MR. A. F. EGERTON desired to say a few words in reference to the statement of the right hon. Gentleman who had charge of the Bill with regard to the state of feeling in Lancashire upon this question. Among the Liberals in that county there was, without doubt, a feeling in favour of the Ballot; among the Conservatives the feeling was one of complete indifference, a feeling the existence of which he, for one, regretted. They had a majority in both the county and borough representation, and he felt convinced that if the mode of voting was altered to-morrow their majority would be increased, rather than diminished. With regard to the theory of the Ballot, the Conservatives of Lancashire maintained the opinion that it was erroneous, and as to some extent the representative of that opinion, he should record his vote against the third reading of the Bill.

MR. PHILLIPS, as one of the Liberal Members returned by a Lancashire constituency, testified to the feeling which existed in favour of the Bill, a feeling based on the belief that the Ballot would enable the working-class electors to vote according to their conscientious opinions.

Main Question put.

The House divided:—Ayes 274; Noes 216: Majority 58.

Bill read the third time, and *passed*.

AYES.

Aeland, Sir T. D.
Adair, H. E.
Akroyd, E.
Allen, W. S.
Amory, J. H.
Anderson, G.
Anstruther, Sir R.
Antrobus, Sir E.
Armitstead, G.
Ayrton, rt. hon. A. S.
Ayton, R. S.
Backhouse, E.
Bagwell, J.
Baines, E.
Barclay, A. C.
Bass, A.
Baxter, W. E.
Basley, Sir T.
Beaumont, Captain F.
Beaumont, H. F.
Beaumont, S. A.
Beaumont, W. B.
Bentall, E. H.
Blennerhassett, R. (Kry.)
Bolekow, H. W. F.
Bonham-Carter, J.
Bouverie, rt. hon. E. P.
Bowring, E. A.
Brady, J.
Brand, H. R.
Brassey, H. A.
Brewer, Dr.
Bright, J. (Manchester)
Brinkman, Captain
Bristowe, S. B.
Brogden, A.
Brown, A. H.
Browne, G. E.
Bruce, Lord C.
Bruce, rt. hon. H. A.
Buckley, N.
Buller, Sir E. M.
Bury, Viscount
Cadogan, hon. F. W.
Candlish, J.
Cardwell, rt. hon. E.
Carter, R. M.
Cavendish, Lord F. C.
Cavendish, Lord G.
Chadwick, R.
Childers, rt. hn. H. C. E.
Cholmeley, Captain
Clay, J.
Clifford, C. C.
Coleridge, Sir J. D.
Colman, J. J.
Corrigan, Sir D.
Cowen, Sir J.
Cowper - Temple, right hon. W.
Crawford, R. W.
Dalglish, R.
Dalrymple, D.

D'Arcy, M. P.
Davies, R.
Delahunty, J.
Denman, hon. G.
Dent, J. D.
Dickinson, S. S.
Dilke, Sir C. W.
Dillwyn, L. L.
Dodds, J.
Dodson, rt. hon. J. G.
Dowse, rt. hon. R.
Duff, M. E. G.
Dundas, F.
Edwards, H.
Egerton, Capt. hon. F.
Ellise, E.
Enfield, Viscount
Ennis, J. J.
Erskine, Admiral J. E.
Ewing, H. E. Cruin-
Ewing, A. Orr.
Eyknyn, R.
Finnie, W.
FitzGerald, right hon.
Lord O. A.
Fitzmaurice, Lord E.
Fitzwilliam, hn. C. W. W.
Fletcher, I.
Fordyce, W. D.
Forster, C.
Forster, rt. hon. W. E.
Fortescue, rt. hon. C. P.
Fortescue, hon. D. F.
Fothergill, R.
Gavin, Major
Gilpin, C.
Gladstone, rt. hn. W. E.
Gladstone, W. H.
Goldsmid, Sir F.
Goldsmid, J.
Goschen, rt. hon. G. J.
Gourley, E. T.
Gower, hon. E. F. L.
Gower, Lord R.
Graham, W.
Gray, Sir J.
Greville, hon. Captain
Greville - Nugent, hon.
G. F.
Grieve, J. J.
Grosvenor, Capt. R. W.
Grosvenor, hon. N.
Grove, T. F.
Guest, M. J.
Hamilton, J. G. C.
Hanbury, R. W.
Hanmer, Sir J.
Harcourt, W. G. G. V. V.
Hardcastle, J. A.
Harris, J. D.
Hartington, Marquess of
Headlam, rt. hon. T. E.
Henderson, J.

Henley, Lord
Henry, M.
Herbert, hon. A. E. W.
Hibbert, J. T.
Hoare, Sir H. A.
Hodgkinson, G.
Hodgson, K. D.
Holland, S.
Holms, J.
Horsman, rt. hon. E.
Hoskyns, C. Wren-
Howard, hon. C. W. G.
Howard, J.
Hughes, T.
Hughes, W. B.
Hutt, rt. hon. Sir W.
Hutton, J.
Illingworth, A.
James, H.
Jardine, R.
Jessel, Sir G.
Johnston, A.
Johnstone, Sir H.
Kay-Shuttleworth, U. J.
Kensington, Lord
King, hon. P. J. L.
Knatchbull - Hugessen,
E. H.
Lambert, N. G.
Lancaster, J.
Lawrence, Sir J. C.
Lawrence, W.
Lawson, Sir W.
Lea, T.
Leatham, E. A.
Leeman, G.
Lefevre, G. J. S.
Lewis, J. D.
Lloyd, Sir T. D.
Lowe, rt. hon. R.
Lubbock, Sir J.
Lusk, A.
Lyttelton, hon. C. G.
Macfie, R. A.
Mackintosh, E. W.
M'Arthur, W.
M'Clure, T.
M'Lagan, P.
M'Laren, D.
M'Mahon, P.
Magniac, C.
Maguire, J. F.
Marling, S. S.
Martin, P. W.
Mellor, T. W.
Melly, G.
Merry, J.
Miall, E.
Milbank, F. A.
Miller, J.
Monk, C. J.
Monsell, rt. hon. W.
Morgan, G. Osborne
Morley, S.
Morrison, W.
Mundella, A. J.
Muntz, P. H.
Nicholson, W.
Norwood, C. M.
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O'Connor, D. M.
O'Connor Don, The
Ogilvy, Sir J.
O'Loghlen, rt. hon. Sir
C. M.
O'Reilly-Dease, M.
O'Reilly, M. W.
Osborne, R.
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Pease, J. W.
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Pim, J.
Playfair, L.
Plimsoll, S.
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Potter, T. B.
Powell, F. S.
Power, J. T.
Price, W. P.
Rathbone, W.
Redmond, W. A.
Reed, C.
Richard, H.
Richards, E. M.
Robertson, D.
Roden, W. S.
Rothschild, N. M. de
Russell, A.
Russell, Sir W.
Rylands, P.
Salomons, Sir D.
Samuda, J. D'A.
Samuelson, B.
Samuelson, H. B.
Sartoris, E. J.
Seely, C. (Lincoln)
Seely, C. (Nottingham)
Seymour, A.
Shaw, R.
Sheridan, H. B.
Sherlock, D.
Sherriff, A. C.
Sinclair, Sir J. G. T.
Smith, E.
Smith, J. B.
Staurope, W.
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Stapleton, J.
Stepney, Sir J.
Stevenson, J. C.
Stone, W. H.
Storks, rt. hn. Sir H. K.
Strutt, hon. H.
Stuart, Colonel
Synan, E. J.
Talbot, C. R. M.
Tipping, W.
Tollemache, hon. F. J.
Torrens, W. T. M'C.
Torrens, R. R.
Traoy, hon. C. R. D.
Hanbury-
Trevelyan, G. O.
Verney, Sir H.
Villiers, rt. hon. C. P.
Vivian, A. P.
Vivian, H. H.
Wells, W.
West, H. W.
Whitbread, S.

White, hon. Colonel C. Woods, H.
 White, J. Young, A. W.
 Whitwell, J. Young, G.
 Whitworth, T.
 Williams, W. TELLERS.
 Wingfield, Sir C. Adam, W. P.
 Winterbotham, H. S. P. Glyn, hon. G. G.

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 Amplett, R. P. Figgins, J.
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 Cawley, C. E. Hill, A. S.
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 Liddell, hon. H. G.
 Lindsay, hon. Col. C.
 Lopes, H. C.
 Lopes, Sir M.
 Lowther, J.
 Lowther, hon. W.
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 Manners, Lord G. J.
 March, Earl of
 Matthews, H.
 Meyrick, T.
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 Mills, C. H.
 Monckton, F.
 Monckton, hon. G.
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 Morgan, hon. Major
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 Newdegate, C. N.
 Newport, Viscount
 North, Colonel
 Northcote, rt. hn. Sir S. H.
 O'Neill, hon. E.
 Paget, R. H.
 Pakington, rt. hn. Sir J.
 Palk, Sir L.
 Parker, Lt.-Colonel W.
 Patten, rt. hon. Col. W.
 Peek, H. W.
 Pell, A.
 Pemberton, E. L.
 Phipps, C. P.
 Plunket, hon. D. R.
 Powell, W.
 Raikes, H. C.
 Read, C. S.
 Ridley, M. W.
 Round, J.
 Salt, T.
 Sandon, Viscount
 Selater-Booth, G.
 Scott, Lord H. J. M. D.
 Scourfield, J. H.
 Selwin - Ibbetson, Sir
 H. J.
 Shirley, S. E.
 Simonds, W. B.
 Smith, A.
 Smith, R.
 Smith, S. G.
 Smith, W. H.
 Somerset, Lord H. R. C.
 Stanley, hon. F.
 Starkie, J. P. G.
 Steere, L.
 Straight, D.
 Sturt, Lt.-Colonel N.
 Sykes, C.
 Talbot, J. G.
 Talbot, hon. Captain
 Taylor, rt. hon. Col.
 Thynne, Lord H. F.
 Tollemache, Major W. F.
 Trevor, Lord A. E. Hill.
 Turner, C.
 Turnor, E.
 Vance, J.
 Verner, E. W.
 Walker, Major G. G.
 Walsh, hon. A.
 Watney, J.
 Welby, W. E.
 Wells, E.
 Wheelhouse, W. S. J.
 Williams, C. H.
 Williams, Sir F. M.
 Wilmot, H.
 Winn, R.
 Wise, H. C.
 Wyndham, hon. P.
 Wynn, C. W. W.
 Wynn, Sir W. W.
 Yarmouth, Earl of
 Yorke, J. R.

TELLERS.

Dyke, W. H.
 Noel, hon. G. J.

ACT OF UNIFORMITY AMENDMENT

BILL—[Lords]—[Bill 136].

(Mr. W. E. Gladstone.)

COMMITTEE.

Bill considered in Committee.

(In the Committee.)

Preamble postponed.

Clauses 1 to 4, inclusive, agreed to.

Clause 5 (Separation of services).

MR. MONK moved, in page 3, line 30, after "used," to insert "with or." He thought it was desirable that shorter services should be used in the way provided in the Bill; but he regretted there was no provision for shorter services being used in country parishes, where there were seldom more than two services, as well as in towns, on Sundays.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 6 (Preaching a sermon without previous service).

MR. MONK moved in line 39, after "preached," to insert "anything in the Act of Uniformity to the contrary notwithstanding," with the view of making the meaning of the clause more clear, as he conceived that as the clause now stood the penalties imposed by the Act of Uniformity might be incurred under it.

MR. GLADSTONE said, he was advised that the clause was sufficiently clear as it was now expressed, and the introduction of the words would throw doubts on other parts of the Bill.

Amendment negatived.

Clause agreed to.

Remaining clauses agreed to.

Preamble.

MR. BOUVERIE said, there was an important proposal in that Preamble which was almost without precedent in any Act that Parliament had ever passed. It was proposed really to make the clergy of the Church of England in their Convocation the absolute masters of Parliament, as far as the recital in an Act could do so. The Ritual Commissioners made their Report, and Her Majesty, acting, no doubt, on the advice of her responsible Ministers, gave her letters of licence for Convocation to consider that Report. Convocation accordingly considered it; and the House was now asked to assent to the recital that it was expedient, with a view to carry into effect, not the Report of the Commission issued by Her Majesty to inquire into the ritual and rubrics of the Church of England; but the Reports of the Convocation of the Provinces of Canterbury and York, to make certain provisions. There were only two *quasi*-precedents for such a course. The first was in the time of Henry VIII., when the assent of Convocation was recited in the Act of Parliament which enacted the divorce of that Monarch from Anne of Cleves. After the Reformation there were several alterations made in the Prayer Book by Act of Parliament, twice in the reign of Edward VI., and once in the reign of Queen Elizabeth; and in those Acts no reference was made to the proceedings of Convocation in the matter. In the Act of Uniformity, passed in the reign of Charles II., it was true there was a reference to the proceedings of Convocation, with respect to the Book of Common Prayer, as then submitted by the Crown and amended by them

under Royal licence. But that was a most extraordinary time and occasion, being then just after the Restoration. There was then a Parliament of a most peculiar character, ready to carry into effect all the extreme views of the extreme High Church party of that period; and that was a precedent which the House would not like to follow. Moreover, the proceedings on that occasion in the time of Charles II. were of the most formal nature. The Book of Common Prayer was submitted to Convocation; they deliberated and reported upon it to the Crown, and the Crown sent a Message with that identical Book of Common Prayer to the House of Lords, and requested them to proceed upon that Book;—besides the reference to Convocation in the Act of Uniformity was not at all equivalent to that contained in the Preamble of the present Bill, which said it was expedient to carry into effect the Report of Convocation. Therefore, the precedent even in that time did not go the full length of this proposal. The House had no evidence whatever of any Report of Convocation. What did they know about the proceedings of Convocation? Did they read them or trouble themselves at all about them? Did they believe that they expressed the feelings of the great body of the laity? In many matters the opinions of the clergy in Convocation by no means expressed or represented the opinions of the laity. Technically, Convocation did not represent the Church. Nobody who knew anything about the law or the history of those matters could contend that they were the representative body of the Church of England. They merely represented the clergy. And now, for the first time, in the middle of the 19th century, they were asked to found their legislation on an important matter affecting the interests of that vast body belonging to the Church who were not of the clergy. That was really a revival of the ancient pretension of the clergy. It was one of the proposals of Convocation just before the Reformation and the Act of Submission, which subjected the clergy to the supremacy and authority of the Crown by their consent, that no measure should be passed affecting the clergy or the Church of England without the consent of Convocation. Henry VIII. in those days entirely disregarded that demand of the clergy; and it was reserved for the present time

and the present Government to ask Parliament to assent to that proposal. He hoped the House of Commons would not assent to it. All who were interested in the welfare and the improvement of the Church ought to be very slow in giving their assent to it as Churchmen, for he was assured by those who were able—which he did not pretend to be—to judge of the spirit and temper of Convocation, and particularly of the Convocation of Canterbury, that if they could once establish that principle that no measure was to be passed by Parliament without the consent of Convocation to it, nothing would ever be done by the latter body for the improvement of the Liturgy, the services, and other matters affecting the Church. The only mode of affecting such improvements hitherto had been by Parliament altogether disregarding Convocation and their wishes; and they then took care when they saw they were met by determination to make their desires concur with those of the Legislature. Five or six years ago Parliament passed an important measure respecting the subscription of the clergy to the Articles and Liturgy of the Church, and there then was no recital or condition like that contained in the present Bill. He entreated the House not to create now, for the first time, a precedent of a most mischievous and dangerous character.

Amendment proposed, in page 1, line 25, to leave out from the words "And whereas," to the words "Her Majesty," in line 29, both inclusive.—(*Mr. Bouverie.*)

Question proposed, "That the words proposed to be left out stand part of the Preamble."

MR. GLADSTONE desired to express his regret that his right hon. Friend, instead of treating this as a dry matter of business, should have indulged so much in the language of exaggeration, for if they wished to make any progress in these difficult matters it could only be done by putting the severest curb upon the language they employed, and keeping literally and strictly within the facts in the assertions they made. His right hon. Friend had stated that before the Reformation there was a demand that no Bill should be passed relating to the Church without the assent of Convocation—[MR. BOUVERIE: Of the

Mr. Bouverie

clergy]—of the clergy assembled in Convocation, and his right hon. Friend asserted that that was the claim made in the present Bill. Now there was no such claim, nor was there any approach to it; and if his right hon. Friend had adverted to the second paragraph in the Preamble he should have admitted that it was a question whether the language of the Bill was exactly in conformity with precedent. But his right hon. Friend objected to the precedent, and said that the Act of Uniformity was due to the High Church party of a particular period, and that it was a proposal to make the clergy masters of legislation. Now, where was there any declaration that the assent of the clergy was necessary to the assent of Parliament? The recital in the Preamble was not the mere recital of the act of Convocation, but of the declaration of the Royal Commission. He presumed that his right hon. Friend adhered to the whole of his Amendment. The recital in the Preamble was a recital of what had taken place—a recital in strict analogy to the recital in the paragraph relating to the Royal Commission, and to which his right hon. Friend had made no objection, and the effect of his right hon. Friend's objection was that the House could not legislate except on the Report of a Royal Commission. Now he (Mr. Gladstone) was not content to admit any such assertions. He held that Parliament was competent to legislate without the assent of a Royal Commission, or the assent of Convocation. But what it was competent for Parliament to do was one thing, and what was a convenient method of procedure was another. The recital, too, to which his right hon. Friend objected was strictly conformable to the precedent established by the Act of Uniformity, and though, as his right hon. Friend said, the Act of Uniformity was only one precedent, that Act formed the basis of our procedure in this direction from 1661 to the present date. What it was now proposed to do was to follow exactly the precedent established by that Act. And why did he ask it? His right hon. Friend ought to know the exact position of the Government with regard to Bills of this kind. They were not measures of the Government in the same sense as Bills usually framed and designed by the Government. It was not desirable that

the Government should mix itself in ecclesiastical matters more than necessity required. The course taken had been this:—When a serious want had been felt an attempt had been made, on the responsibility certainly of the Government of the day, to appoint a Commission, and to make that Commission, as much as possible, representative of the Church—and of course when he said the Church he meant the laity as well as the clergy—and, if the Report of the Commission was satisfactory, to make it the basis of ulterior proceedings. The first case of the kind in our time occurred under Lord Palmerston, and reference was made to Convocation to ascertain what the opinion of the clergy was with respect to the alterations proposed, which at that time affected the declaration which they were called upon to make. He did not suppose that Lord Palmerston or the Government of the day in any way intended to imply that Parliament was under any obligation to make that reference, but simply that, with a view to the preservation of harmony between the different orders of the State, it was convenient to adopt that course. He was certainly one of those who approved that method of proceeding; and in the same way it had now been thought fit to refer this question to Convocation to ascertain their opinion upon it. Was that an unjust or an unfair course to adopt with regard to the daily services of the Church? Who were the congregation at the daily services of the Church? They consisted chiefly of the clergy and their families. ["Oh!"] It should be remembered that those who attended these daily services were generally a few units in a parish, and it was not unreasonable that they should endeavour to learn the opinions of those who undertook these daily services voluntarily, at the cost of considerable labour, and partly with a view to their own edification. The Bill was introduced in the House of Lords by the Archbishop of Canterbury as the head of the clerical body of this country, and it had received not only the unanimous assent of that body, but the unanimous assent in its present form of the House of Lords. And now, having in the first instance been founded upon the Report of a Royal Commission constituted under the advice of the responsible Ministers of the Crown, and made as representative

in its character as possible, as having not only received the willing assent of the clergy but the unanimous support of the House of Lords, both of its lay and spiritual Members, his right hon. Friend asked the House to refuse to follow the precedent established in the great statute—the Act of Uniformity—which had regulated our public worship down to the present day. He trusted that the House would not adopt the course proposed by his right hon. Friend, and thus add another to the already sufficiently numerous subjects beset with difficulty and disturbance which demanded the consideration of the House.

MR. HORSMAN said, the right hon. Gentleman at the head of the Government had failed to notice the real practical Parliamentary objection which had been started by the right hon. Member for Kilmarnock (Mr. Bouverie), and had fixed upon that paragraph of the Preamble which referred to the Report of the Commissioners, and not to that which referred to the Reports of Convocation. Who, he should like to know, in that House had any acquaintance with the Reports of Convocation on which hon. Members were asked to legislate? As a matter of Order, therefore, he wished to ask the Prime Minister to inform the House whether he was aware of any precedent in which the House of Commons had been called to make Reports the basis of legislation of the contents of which it was in perfect ignorance?

MR. GLADSTONE said, he had carefully endeavoured to separate the two paragraphs of the Preamble which his right hon. Friend (Mr. Bouverie) had embraced in one and the same Motion, and he (Mr. Gladstone) had confined his speech entirely to the first paragraph.

MR. BOUVERIE said, the foundation of the proceeding referred to in Charles the Second's time was a formal Message to the Lords from the Sovereign stating what had been done by the Convocation, at the desire of the Crown, and laying before Parliament with the Book of Common Prayer, as revised by Convocation, a recital of that which the Crown had done. That, therefore, was a precedent which could not be quoted in favour of the present mode of proceeding. After what had fallen from his right hon. Friend at the head of the Government, he hoped he would, at all events, assent to the strik-

ing out of the words to which he objected in the second part of the Preamble.

MR. HORSMAN wished to know, what knowledge the House could be supposed to have of the fact that Convocation had made the Report in question?

MR. GATHORNE HARDY replied the House had the authority of the First Minister of the Crown, who stated on the part of Her Majesty that such a Report had been made. [MR. GLADSTONE: And that of the Archbishop.] Speaking, he might add, with respect to the question of submitting to the Convocations of York and Canterbury matters connected with the Church of England, he could quite understand that many gentlemen connected with that Church would wish that it was more fully represented by Convocation. They should, however, bear in mind that Convocation as it stood was the only representative body of the Church and the clergy which we had at present. He should like to ask the members of other religious persuasions whether they would wish that that House should rise up in opposition to what had been done by the representative bodies of those persuasions? Such men ought, he thought, to look with some delicacy on the position which was occupied in that respect by the Church of England. Convocation had acted for her from time immemorial, and was her only representative body. The House of Commons, too, now occupied a very different position with respect to the Church of England than did the House of Commons in the time of Charles II.; for now it had Members from Ireland and Scotland, the one country having no Established Church, and the other having a Church which, in many respects, was of a different character from the Church of England. And would the right hon. Gentleman the Member for Kilmarnock (Mr. Bouverie), he should like to know, wish the House of Commons to legislate on the services and doctrines of the Church in the first instance without consulting those who were her representatives? Her Majesty had been advised to issue letters of business to the two Convocations of Canterbury and York, and it would be a dangerous proceeding to strike out of the Bill the recital of the fact that Her Majesty had consulted

Mr. Bouverie

Convocation and obtained the assent of the clergy to the changes recommended by the Ritual Commissioners. He quite admitted the supremacy of Parliament; but there were many ways in which he hoped it would never deem it right to exercise that supremacy, with which in the present instance there had not been the slightest desire to interfere. He entreated the House therefore, not for the sake of a mere suspicion that there was any interference attempted with its dignity, to set aside what many conscientious persons looked upon as a most important part of the Bill.

MR. MONK remarked that the Convocation of the Southern Province consisted of 149 members, of whom 107 were nominees of the Crown or of the Bishops, while only 42 members represented the parochial clergy, so that Convocation could hardly be taken as a fair representation of the clergy, and far less of the laity. But, as the right hon. Gentleman at the head of the Government had agreed to strike out the latter part of the Preamble stating that it was expedient to carry into effect the Report of Convocation, he thought the House could not refuse to accept the statements of fact contained in the earlier paragraphs.

MR. GOLDNEY said, he thought the right hon. Gentleman the Member for Kilmarnock had taken a sound constitutional view of the matter, and that the course proposed by the Prime Minister would make Convocation master of the situation. He thought the whole of the second portion of the Preamble should be omitted.

MR. GLADSTONE admitted that in drawing the Bill the precedent of the Act of Uniformity had been exceeded, and said he was therefore ready to strike out the latter paragraph of the Preamble.

MR. T. HUGHES said, that if the right hon. Gentleman the Member for Kilmarnock pressed his Amendment to a division, he should vote for it. The late doings in Convocation did not give him such confidence in that body as would induce him to consent to the introduction for the first time of Convocation into an Act of Parliament.

MR. KINNAIRD remarked that the House of Commons was the only real lay representative of the Church of England, but it would not do any good

for the Church until it got rid of the Act of Uniformity.

MR. MIALL said, the speech of the right hon. Gentleman at the head of the Government ignored the fact that there were in the House Nonconforming Members of the Church of England, who had as much right to speak on questions affecting the Church of England as any Member of the House. He simply wished to say, however, that there seemed to be a general disposition on the part of some Members of the Government and of the House to bring this country under the sway of sacerdotalism, and he must protest against such a course. He could see no reason for introducing these words into the Preamble, unless it was intended to give greater importance to the clergy of the Church of England.

Question put.

The Committee *divided*:—Ayes 141; Noes 97: Majority 44.

A further Amendment made.

Bill *reported*, with Amendments; as amended, to be considered *To-morrow*.

TRAMWAYS PROVISIONAL ORDERS CONFIRMATION (NO. 3) BILL.

Order for Committee read, and *discharged*.

Bill, so far as it relates to Birmingham Corporation, *committed* to a Select Committee, to be appointed by the Committee of Selection as in the case of a Private Bill.

Ordered, That all Petitions presented during the present Session against the Bill be referred to the said Committee; and such of the Petitioners as pray to be heard by themselves, their Counsel or agents, be heard upon their Petitions, if they think fit, and Counsel heard in favour of the said Bill against the said Petitions.—(*Mr. Arthur Peel*.)

TRAMWAYS PROVISIONAL ORDERS CONFIRMATION (NO. 4) BILL.

Order for Committee read, and *discharged*.

Bill, so far as it relates to Hull, *committed* to a Select Committee, to be appointed by the Committee of Selection as in the case of a Private Bill.

Ordered, That all Petitions presented during the present Session against the Bill be referred to the said Committee; and such of the Petitioners as pray to be heard by themselves, their Counsel or agents, be heard upon their Petitions, if they think fit, and Counsel heard in favour of the said Bill against the said Petitions.—(*Mr. Arthur Peel*.)

MINE DUES BILL.

On Motion of Mr. LOPES, Bill to amend the Law respecting the Rating of Mine Dues in England and Wales, *ordered* to be brought in by Mr. LOPES and Mr. GREGORY.

Bill *presented*, and read the first time. [Bill 177.]

House adjourned at a quarter after One o'clock.

HOUSE OF LORDS,

Friday, 31st May, 1872.

MINUTES.]—PUBLIC BILLS—First Reading—

Metropolitan Commons Supplemental * (115); Pier and Harbour Orders Confirmation * (116); Parliamentary and Municipal Elections * (117); Infant Life Protection * (118).

Second Reading—Juries Act Amendment (Ireland) * (109).

Second Reading—Referred to Select Committee—Gas and Water Orders Confirmation * (101); Petroleum * (104).

Select Committee—Bankruptcy (Ireland) Amendment * (51), and Debtors (Ireland) * (52), The Lord Camoys *added*.

Committee—Report—Metropolis (Kilburn and Harrow) Roads * (94).

TREATY OF WASHINGTON.

TRIBUNAL OF ARBITRATION (GENEVA). THE INDIRECT CLAIMS.

CORRESPONDENCE.

Correspondence respecting claims for indirect losses put forward in the Case presented by the United States Government to the Tribunal of Arbitration at Geneva—*Presented* (by command), and ordered to lie on the Table.—North America No. 7. (1872).

TREATY OF WASHINGTON.

TRIBUNAL OF ARBITRATION (GENEVA) THE SUPPLEMENTARY ARTICLE.

QUESTION.

THE EARL OF DERBY: I wish to put to the noble Earl the Secretary of State for Foreign Affairs a Question of which I have given him private Notice. I wish to ask him, Whether he is prepared to lay on the Table the Supplementary Article which is proposed to be added to the Treaty of Washington, together with the amendments on that Supplementary Article which have been introduced by the Senate of the United States? I wish also to ask, whether, considering the general anxiety which prevails upon this

subject, he will be prepared to state what is the present position of the negotiations, and whether any decision has been come to by Her Majesty's Government as to the acceptance or rejection of the Article with the amendments understood to be introduced by the Senate of the United States?

EARL GRANVILLE: With the permission of my noble Friend I will answer his second Question first. This is the position of affairs. At this moment we are in active communication with the Government of the United States. Congress, which was to have adjourned on Friday, has postponed its adjournment till Monday; and this, therefore, is exactly the moment when it would be most inconvenient for Her Majesty's Government to make a statement with respect to the matter in question. I think, under these circumstances, my noble Friend will not expect me to make any statement to-day. With regard to the presentation of the Article, which has already appeared in a surreptitious manner in the United States, I do not think its appearance in that way would justify me in making use of it in this country; and I do not think it would be satisfactory to lay the Article on the Table without certain Papers connected with it, which will give your Lordships the fullest information on the subject. I can only say that I think delay is not a thing to be desired—and, if we did desire it, it would not be possible except for a very short time indeed.

EARL GREY: My Lords, the answer of my noble Friend compels me to ask another Question. Is it the intention of Her Majesty's Government to decline to go on with the Arbitration unless the Claims on account of Indirect Damages are withdrawn? I am afraid I must ask your Lordships' indulgence while I say a very few words in explanation of that Question. Your Lordships are aware that from the moment when this country learnt the nature of what are called the Indirect Claims put forward by the American Government very great anxiety on the subject prevailed. When my noble Friend the Secretary for Foreign Affairs, in the debate on the Address, declared that these Claims were regarded by Her Majesty's Government as being of such a nature that it was impossible this country could consent to their being referred to any tribunal, however high

—and at the same time assured your Lordships that Her Majesty's Government would, on the one hand, maintain the rights of this country, while, on the other, no effort should be spared to bring the question to an adequate and satisfactory conclusion—this statement of my noble Friend for the moment allayed the anxiety of the country. But when we heard that the "friendly communication," as it was termed in the Speech from the Throne, made on Her Majesty's part to the Government of the United States had not induced that Government to waive the Claims which it had preferred, and when we found that negotiations on the subject were proceeding, the anxiety which had before existed was revived and increased. On two or three different occasions the subject was referred to in this House, and though my noble Friend was pressed upon the point, he constantly declined to give us or the country any express assurance that we should refuse to go to arbitration unless those Indirect Claims were withdrawn. No doubt, he implied that such would be the conduct Her Majesty's Government would steadily pursue; but he would give no express assurance to that effect. That being the case, the anxiety of the country has been greatly increased by what has become known to us since the last meeting of the House. We have learnt not only what was the nature of the Correspondence between Her Majesty's Government and the American Government, but the newspapers have been enabled to publish—by what means it is not for me to guess—the communications which have been passed between the Government at Washington and their Minister in this country. From those communications we learn that it is the fixed determination of the United States' Government not to withdraw the Claims which have been preferred. Now, that being their fixed determination, the announcement just made by my noble Friend that negotiations are still in progress is calculated to excite the most lively alarm in our minds. Because, what does that declaration imply? Does it not imply this? That, knowing such to be the determination of the American Government, from the confidential communications between that Government and their Minister here, Her Majesty's Government yet think it worth while to continue to negotiate? Does not that imply the

The Earl of Derby

contemplation at least of some concession on our part? Now, I believe it is the all but unanimous opinion of your Lordships, and the all but unanimous opinion of the nation, that this is a case which calls for firmness and determination. We concur in the view taken by Her Majesty's Government at the beginning of the Session that these are Claims which it is impossible this country can submit to have referred to any tribunal, however high. But I say more. We not only cannot consent to their being decided on by any tribunal, but, for my own part, I believe it is necessary for the honour and dignity, as well as for the interests of the country that these Claims should not be in any way before the Arbitrators—because, possibly, they might swell the amount of the lump sum the Arbitrators are empowered by the treaty to reward against us without assigning any reason for it. This is what I believe to be the situation. Therefore, I think it is alarming in the greatest degree to find that negotiations are still in progress. And I must add that the anxiety which we feel in the situation of affairs is not removed by the fact, which has been stated on the highest authority, that before the Treaty can be ratified, it will be laid and will remain for some time before Parliament. If I am not mistaken, it has been explained in this House on very high authority—I am not sure that it was not the authority of my noble Friend himself—that it is not competent to a nation, consistently with its honour, to refuse the ratification of a Treaty concluded by its authorized representatives, unless it can be shown either that the Plenipotentiary has exceeded his powers or has departed from the instructions he had received. If, therefore, the Plenipotentiary has kept within his powers, and has obeyed his instructions, it is not a matter of discretion with the Government to withhold or not that ratification which they are in honour bound to give. That we have been told on high authority is the ordinary rule of diplomatic practice—and certainly it seems to be a correct one. Therefore, the statement that we shall have the Treaty on the Table before it is ratified does not remove the anxiety which we feel; and I do think that before any step is taken which may be final, and which may commit this country to a course which I believe

would be universally disapproved, my noble Friend should state whether it is or is not the intention of Her Majesty's Government to refuse to proceed to arbitration unless these Claims are withdrawn. My Lords, these negotiations have now lasted between four and five months, and I do think it is high time we should now know definitely what is the position of the Government. The fact that negotiations are still pending is no longer a valid reason for refusing to give that information.

EARL GRANVILLE: In one word I will answer the noble Earl. Yesterday I received from my noble Friend the noble Earl opposite (the Earl of Derby) a letter to this effect—

"I wish to ask you, with the permission of the House, whether you will lay on the Table the text of the Supplementary Article, together with the amendments which have been introduced by the Senate of the United States, and also what is the present state of the negotiations, and whether or not any decision has been come to by the Cabinet."

Now, these are matters of fact; and although it is inconsistent with the general practice of the House to ask any Question on which a debate might arise, unless formal Notice has been given, it was quite clear that, under the circumstances, my noble Friend had no alternative but to give me the Notice he has done. To his Questions I have given an answer. I can quite understand that the answer I have given is not perfectly satisfactory to your Lordships, who are naturally anxious to get all possible information on the subject; but it is the one which a sense of my duty compels me to give. An hour ago my noble Friend on the cross-benches (Earl Grey) sent me a note. I do not exactly remember the words, but it was to the effect—"If nobody else does so, I will ask what are the intentions of Her Majesty's Government." My answer would have been exactly the same as I have given to the noble Earl opposite; but I must put it to your Lordships that it is singularly inconvenient that after my assurance that only one or two days can elapse before I make a full statement, my noble Friend should get up and make a long argumentative speech, containing all sorts of assertions, which I deny, and then expect me to rise and answer categorically, either with or without arguments, Questions which may be inconvenient in the critical moment at

which we have arrived. I decline to answer those Questions. If he chooses he can give Notice of any Question for Monday next—then I shall give the answer which it will be my duty to give: but certainly I will not, by the somewhat severe speech he has made, or by the unfounded assumption that Her Majesty's Government are likely to compromise the honour of the country, be drawn into making a premature declaration.

LORD CAIRNS: My Lords, I am one of those who recognize a considerable amount of the advantage in our constitutional principle that the Sovereign, through her Ministers, is entitled to negotiate and conclude treaties with Foreign Powers; but I must say that Her Majesty's Government are straining that principle on the present occasion to a degree to which I think it never was strained before, and which, I venture to say, if carried much further, will go far to subvert the principle altogether. Before your Lordships adjourned on the eve of the Recess we had a statement made to us by the noble Earl the Secretary for Foreign Affairs; but it was accompanied by a refusal to produce the despatches which had passed between the two Governments up to that time, and your Lordships adjourned without any knowledge of the contents of those documents. Hardly had 24 hours elapsed, however, before we were put in possession of the whole contents—not through the medium of Her Majesty's Government, but by means of telegraphic despatches from the other side of the Atlantic. That was a very unsatisfactory thing for Parliament, the Great Council of advice for England, which may naturally expect if these matters are made public they should be communicated to them by the Ministers of the Crown. But that is not the only way in which we have received information. We received some further information through the medium of a lecture delivered by one of Her Majesty's Commissioners; and we have to-day received a fresh instalment of an interesting character, through the publication of the telegraphic despatches said to have passed between one Member of the Government at Washington and their Representative in this country, who details with great explicitness and frankness the conversations he has had with the Secretary of State opposite. I cannot, under

Earl Granville

these circumstances, help recognizing the justice of what was said by the noble Earl on the cross-benches (Earl Grey). The Secretary of State declines to give us even the text of the Supplementary Article which has occupied public attention during the last fortnight—he does not dispute that this Article, as published in the ordinary sources of information, is correct—and I own I am somewhat surprised that, if that is the case, it should not be laid on the Table in the ordinary course. What the noble Earl on the cross-benches says is perfectly well founded. In the telegraphic despatches which have been published as those which have passed between the Government at Washington and their Minister at this Court we find it declared—not once but again and again—that whatever may be done on the subject of the Supplementary Article, it must be understood that no words in that Article may amount not merely to a direct, but even to an indirect withdrawal of the Indirect Claims. Now, I do not want to elicit from the noble Earl anything he may not think it right to tell us; but I do venture to say—on behalf, I am sure, of many of your Lordships as the public out-of-doors—it is utterly impossible that there should not be felt the greatest anxiety by the public of this country when they hear there are further negotiations on the Supplementary Article, which even when deprived of the alterations made in it by the Senate was sufficient to create great uneasiness and anxiety, and I think to create the greatest possible embarrassment; but which we are told, on authority we have no right to dispute, must not, however settled, be understood to amount to a direct or indirect withdrawal of the Claims which have already been made.

EARL GREY: My Lords—

EARL GRANVILLE: It is the custom in this House when a point of Order is raised for the Peer who is interrupted to sit down. I submit that my noble Friend is quite irregular in continuing this conversation.

EARL GREY: I submit that I have not been guilty of any irregularity. When a question of pressing importance arises, a Question may be put on such a Notice as I gave this morning—the observations I have made would have been too late had I not made them to-day,

and I gave all the Notice in my power by writing a note to the noble Earl. In consequence of what has passed, I have authority on the part of Earl Russell to say that on Tuesday next he will make the Motion which he postponed before the Recess. I should have fixed it for him for Monday, but that I observe that some other business placed on the Paper for that day might interfere to prevent the Motion of my noble Friend from coming on. I am very unwilling to defer it till Tuesday.

THE MARQUESS OF SALISBURY: I rise for the purpose of asking for some information, and I hope I shall have more success than the noble Earls who have preceded me. My Question is of a comparatively subordinate character. I am not going to ask the noble Earl either as to his policy or what he is going to concede to the American Government or to withhold—but with respect to his intermediate policy, and as to the precautions which it will be necessary for him to take in consequence of the lapse of time. The Court of Arbitration is to sit on the 15th of June. We have been told on high authority in the other House that, though the negotiations may be conducted by telegraph, the ratification must be by post. If that is the case, unless the negotiations are concluded within a day or two—and even then it would be difficult—it will be impossible that the final step should be taken before the time comes for the Geneva Arbitrators to sit. I wish, therefore, to ask what precautions have been adopted, or what course the noble Earl means to pursue under these circumstances? An answer to this Question will not prejudice the ultimate termination of his policy; but it is evident he must be prepared with some direction to be given or some Motion to be made before the Geneva Arbitrators for adjournment, or in some way for preventing them from going on with the consideration of the Case before it is decided whether the Claims as placed before them are within their jurisdiction.

EARL GRANVILLE: My Lords, I can only state that we have most carefully considered the subject. The statement the noble Marquess has made is perfectly accurate as to the fact that some step must be taken within two or three days as to the course to be pursued. But I remember once hearing my

noble Friend opposite (the Earl of Derby) quote an old diplomatic saying to the effect that no question is indiscreet, but the answer may be so. I think I may reserve to myself, at all events, another couple of days before I go into the explanation which I shall certainly have to give at the beginning of next week.

LORD WESTBURY: My Lords, I will not now enter into a general discussion, though a time must come when this important subject must be discussed fully. The character of the country for common sense and intelligence requires it. When we parted for the holidays we were contented to remain in a certain degree of mystery and confusion; but we could not have imagined that mystery would have been so darkened, and that confusion so much worse confounded, by the addition of this Supplementary Article. As to the Treaty itself, I think three boys of ten years old might have succeeded in making a more intelligible one. However, as to the composition of the Treaty, that is a matter with which I have now little or nothing to do. I am principally concerned with the error which it appears to me has been committed by Her Majesty's Government in the Additional Article which they have proposed to the United States and which is still greater than that which was committed in the Treaty itself. The document is proposed to the United States as a satisfactory thing, and at the same time as a fulfilment to this country of the pledge which Her Majesty's Government had given, that under no state of things would they be induced to enter into arbitration on the Indirect Claims or proceed with the Treaty until the Indirect Claims had been unequivocally withdrawn. Now, what the Government understand by the unequivocal withdrawal of these Claims must be answered by the language of this Article; and we find in it that, instead of an unequivocal withdrawal, there is no withdrawal at all. It is a promise for the future, and, by implication, a confirmation of the past. If Her Majesty's Government have a notion that supposing the Article were signed in all its integrity, the Indirect Claims would be barred, they will be miserably undeceived when its legal effect comes to be considered. My Lords, I am not going to constitute myself the legal adviser of Her Ma-

jesty's Government, but I may speak with some sort of claim to the title of their friend when I warn them that they had better ask their legal advisers whether it is not the duty of an arbitrator to exhaust the reference made to him, and whether this Supplementary Article would, in terms and in law, unequivocally discharge the Arbitrators from the duty of adjudicating and giving some decision on the Indirect Claims now formulated before them, and which that Supplementary Treaty declines to withdraw. That is a very serious subject for consideration, and they had better take it into account. My Lords, another thing has occurred during the Recess which cannot fail to interest us. That is the revelation made by Sir Stafford Northcote, that a promise had been given by the American Commissioners to the English Commissioners that these Claims should not be brought forward. I want to know under what circumstances that promise was given? I want to know whether this was not the state of things?—that the Commissioners had before them the Treaty as it is now worded, and that our Commissioners desired an alteration in the shape of a withdrawal of the Indirect Claims, and that the American Commissioners said—"No; we should have great difficulty with the Senate; do not insist on it; be content with our personal promise that these Indirect Claims shall not be brought forward." Now, were our Commissioners weak enough to do any such thing? Were their principals—our Government—weak enough to accept anything of the kind? Was it intended that this promise should be communicated to the Senate, or was it intended that the Treaty should remain and the Senate should be left under the impression that there had been no alteration in it, by which the American Commissioners would be guilty of an imposition on their own Senate, and we should be guilty of abetting and assisting them in the commission of that imposition? If that promise were given, as Sir Stafford Northcote unequivocally says it was, and if, when given, it was communicated to Her Majesty's Government, I wish to know, when my noble Friend (Earl Granville) got that information, why he did not impart it to Parliament? I wish also to know why my noble Friend continued in the idle occupation of arguing

Lord Westbury

on the construction of the Treaty if he had any right to believe there had been a promise that, whatever the language of the Treaty, it should only be acted on in the sense of the Indirect Claims not being brought forward, or attempted to be brought forward, against this country. My noble Friend has unfortunately been brought into the position that these Claims have been formally and duly lodged. Is it the intention of my noble Friend to hold up this Supplemental Treaty in the face of the House and of the country as a proof that he has always insisted on the withdrawal of those obnoxious Claims? It may be necessary at some future time to substantiate the statements to which I have just alluded as to the promise alleged to have been given by the United States' Commissioners. It would be a painful thing to do; I would, however, rather we should be outwitted in any way than that we should be outwitted in the manner in which we should prove to be outwitted if the imaginary case I have put before your Lordships should turn out to be an accurate narrative of the facts.

EARL GRANVILLE: I hope your Lordships will excuse me if I say one or two words after what has fallen from the noble and learned Lord (Lord Westbury.) The noble and learned Lord has been good enough to say he wished to make a "friendly communication" to Her Majesty's Government, and he made it in that kind manner in which he sometimes favours us on the Treasury bench. He says that this important question must be thoroughly debated in substance and detail, for the honour of the country requires it, and this House will demand it. I entirely agree with him; but I put it to your Lordships whether the best means of securing such a discussion is for the noble and learned Lord to get up and ask a number of Questions which he has been warned we cannot answer at this moment, instead of reserving his invective against the course which Her Majesty's Government have pursued for an occasion when we shall be able to defend ourselves and give the answer which the noble and learned Lord wishes for as to the advice which our professional advisers have given us—and, in short, clear ourselves from the insinuations which the noble and learned Lord, without any foundation, has thought fit to cast on us.

LORD REDESDALE: My Lords, there is a point which I think requires consideration, and it is that Parliament has a right to claim more information with regard to this Treaty than any other, inasmuch as the Arbitration provided by the Treaty may result in an award against us of some millions of money, which Parliament will have to vote. I believe there is no instance of treaties having been made by which this country undertook the payment of large sums of money without some consultation with Parliament before ratification.

House adjourned at Six o'clock, to Monday next, a quarter before Five o'clock.

HOUSE OF COMMONS,

Friday, 31st May, 1872.

MINUTES.] — SELECT COMMITTEE — Committee of Selection and Standing Orders, Mr. Hastings Russell discharged, Mr. Dodson added.

SUPPLY — considered in Committee — CIVIL SERVICE ESTIMATES.

PUBLIC BILLS—Ordered—First Reading—Locomotives on Roads * [180]; Tramways (Ireland) Provisional Order Confirmation * [181].

Committee — Report—Cattle Disease (Ireland) Acts Amendment * [159]; Poor Law (Scotland) * [35-179].

Report—Salmon Fisheries (No. 2) * [10-178].

Considered as amended —Act of Uniformity Amendment * [138]; Charitable Trustees Incorporation * [120].

Third Reading—Public Health (Scotland) Supplemental * [162]; Gas and Water Orders Confirmation (No. 2) * [141], and *passed*.

PUBLIC HEALTH BILL—CHARGES ON PUBLIC REVENUE.—QUESTION.

SIR MICHAEL HICKS-BEACH asked the President of the Local Government Board, Whether, in accordance with the usual practice, he will, before asking the House to go into Committee on the Public Health Bill, propose a Resolution in Committee of the Whole House, to sanction the imposition on the public Revenue of such part of the expenditure under that Bill as he intends to provide for from that source, in order that the House may have time to consider his proposals on this point, before it is asked to proceed with the Bill?

MR. STANSFELD, in reply, said, it was necessary to take the course sug-

gested by the hon. Baronet only when the measure contained clauses proposing a charge upon the public Revenue. The Bill referred to contained no such clause. Whatever charges it would impose would be voted from year to year. Under these circumstances, it would be out of his power to take the course suggested.

SIR MICHAEL HICKS-BEACH said, the right hon. Gentleman had not stated whether the House would have time to consider his new proposals before the Bill was proceeded with.

MR. STANSFELD said, he should be quite prepared to give any information on the subject at such time as might appear convenient to the House.

EDUCATION (SCOTLAND) AMENDMENT BILL.—QUESTION.

MR. DISRAELI asked the First Lord of the Treasury, Whether, before going into Committee on the Education (Scotland) Bill, he will place on the Notice Paper Amendments for giving effect to the Resolution of the House of Commons of the 7th May in reference to that Bill?

MR. GLADSTONE said, in reply, that the Government had no intention of placing any such Amendments upon the Paper, for the simple reason that they did not propose to take any step calculated to give effect to the Resolution. The Government thought that the Amendment given Notice of by the hon. and learned Member for the University of Glasgow (Mr. Gordon) sufficiently embraced the spirit of the Resolution, and would afford the House an opportunity of re-considering the question in Committee.

MR. DISRAELI asked when the Bill would be proceeded with?

MR. GLADSTONE said, that depended upon the course of Business next week. It was necessary that some provision should be made for such portion of the Miscellaneous Estimates as would not be voted that night, and the Government intended asking for a Vote of Credit for four weeks on Monday. After that the Motion would be made that the Speaker leave the Chair, that the House might go into Committee on the Scotch Education Bill. On Monday, also, he proposed moving the ordinary Resolution relating to Morning Sittings, making them subject to the Resolution of 1869, and he proposed the House should

sit at two o'clock on Tuesday the 4th of June, and proceed with the Scotch Education Bill.

In reply to Mr. SCOURFIELD,

MR. GLADSTONE said, the present intention of the Government was to proceed with the Scotch Education Bill morning and evening until the close of the Committee.

MINES REGULATION BILL.

QUESTION.

MR. LIDDELL asked, Whether the Mines Regulation Bill will be proceeded with at the close of the Committee on the Scotch Education Bill, in accordance with the understanding already come to?

MR. GLADSTONE said, he would prefer not to bind himself to that; it would be necessary to look at the Bill and see how long it would take.

MR. ASSHETON CROSS said, he must ask for some assurance that the Government positively intended to go on with the Bill?

MR. GLADSTONE said, unquestionably, as far as they were capable of forming an absolute determination.

TREATY OF WASHINGTON.

TRIBUNAL OF ARBITRATION (GENEVA).

THE INDIRECT CLAIMS.

THE NEGOTIATIONS.—QUESTION.

COLONEL BARTTELOT: Sir, as the right hon. Gentleman has not risen to give the House or the country any information with respect to the Question asked him yesterday by my hon. Friend the Member for Waterford (Mr. Osborne) I wish to ask in what position the negotiations between this country and America stand, and in what position we now find ourselves placed within fourteen days of the expiration of the term at which the Indirect Claims must be withdrawn or not. The House has patiently waited for information on the subject; but I think the time has now arrived when the country is entitled to know in what position we may find ourselves fourteen days hence?

MR. GLADSTONE: Sir, I can assure the hon. and gallant Gentleman that nothing has occurred in any way to compromise the declaration we have made to Parliament—that is to say, no negotiation will be carried on between this country and the United States except

Mr. Gladstone

under circumstances which will allow Parliament to become cognizant of the nature of the negotiations, and, if it thinks fit, to express its opinion upon the result before the negotiations are finally concluded by ratification. Likewise, we have kept fully in mind the passage of time with respect to the approach of the day when the Tribunal of Arbitration will sit at Geneva, and we have taken such steps as appear to us to be required by that consideration. But early as is the day, and short as is the interval, before the meeting of the Tribunal of Geneva, the hon. and gallant Member may be aware that another event, material to the progress of this important affair, is to arrive at a still earlier date. The Session of the American House of Representatives and of the Senate is appointed to terminate on the 3rd of June—namely, on Monday next, and the hon. and gallant Member will naturally understand that the present negotiations in which the Government is engaged have reference to the early arrival of that date, when, as the arrangements of the American Government have been communicated to us, the action of the Senate would of necessity be suspended. It is with reference to an arrangement before that date that we are now carrying on communications, so that the hon. and gallant Member will not have long to wait before he receives information.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

THE COLONIES.—RESOLUTION.

MR. MACFIE, in rising pursuant to Notice, to call attention to the relations between the mother country and the colonies, and to move—

"That, in the opinion of this House, Her Majesty's Government should consider whether it is expedient and opportune that they should advise Her Majesty to appoint a Commission to inquire as to the propriety and best means of admitting the Colonies, which, by their loyalty and patriotism, their intelligence and vigour, their numbers, geographical position, and resources, have become a highly important part of the nation, to participation in the conduct of affairs that concern the general interest of the Empire,"

said, that the subject, although most important, had as yet received very little

attention from the House. Happily, the relations of the United Kingdom with the colonies had never formed a party question, and he trusted they never would. We had just completed arrangements with the Dominion of Canada which had been required, in some degree, in consequence of the want of representation in this country of that great colony, and matters bearing on its connection with the mother country must before long be brought under the consideration of that House. Again, that subject was rising rapidly and prominently into the view of the public here, and especially of the working classes, who regarded the colonies in some degree as their natural future homes, and the vast unoccupied territory held by the Crown as affording lands to be cultivated by subjects of Her Majesty, who would hereafter form communities which would add to the strength and prosperity of her Empire. The right hon. Gentleman the Member for the University of Oxford (Mr. G. Hardy) when starting it in the provinces lately, had publicly stated that if the party with which he was connected came into office again it would be one of their great duties to maintain our colonial Empire. He hoped that declaration would stir up the present Government to greater zeal than they had in time past felt at liberty to show in carrying out the wishes of the people in favour of a consolidation of the Empire. What might now be done with ease in that direction might before very long become a work of difficulty. Into two great groups of our colonies the system had been introduced of what was called responsible government—a high-sounding phrase which he was afraid was rather calculated to mislead them. Sir Philip Wodehouse, a recent Governor of the Cape Colony, in a despatch lately laid on the Table of the House, said he had always held responsible government to be applicable only to communities which were fast advancing to fitness for absolute independence. The then Colonial Secretary in 1870 wrote to Sir Philip Wodehouse that he could hardly expect the concurrence of Her Majesty's Government in the views he had put forward respecting the consequences to be speedily anticipated from the establishment of responsible Government in any colony. About the same time, writing to Sir George Bowen, Governor of New Zealand, the Colonial Secretary said

Her Majesty's Government disavowed any desire to bring about any separation between the mother country and that colony. Instead of that somewhat weak language he should have preferred a declaration from the Government of a resolute determination on the part of this country to uphold the relations which subsisted between England and her colonies, and to draw still closer the bonds which united them to her. The late Sir William Denison, another Governor of great eminence, expressed his opinion that in order to get rid of the cost of supporting the colonies we were trying to induce them to claim their independence. Earl Grey, in 1869, stated it as his view that the result to be looked for from the policy declared by Her Majesty's Government was the breaking up of our colonial Empire. After quoting the opinions of Mr. Haliburton—son of the author of *Sam Slick*—and other colonial writers as to the progress now being made in the career of dismemberment, and denying the power of any Government to fritter away by carelessness or indifference the rights of citizenship from its colonial subjects unless they showed a wish to cast off their allegiance to it, the hon. Member referred to a Commission appointed in the Australian Colonies, which said that the relations now subsisting between those communities and the mother country was so wanting in mutuality that it could not safely be regarded as a lasting one, and that it became necessary to consider how it might be so modified as to give a greater security for its permanence. The Government of Queensland had declared that the time was not distant when the colonies would ask from the British Government a declaration as to how far the latter would recognize any duties towards the colonies in time of war. It was evident that the colonies looked forward to the time when the Government of this country would be inclined to sever the connection which at present joined them to us. Statesmen in this country had uttered predictions relative to the colonies which unfortunately had a tendency to fulfil themselves. They had regarded the future separation of the colonies from the mother country with complacency; they had told us that in such an event they and we should remain allies—a fact which he very much doubted—and that we should not suffer in our trade with them. With reference

to the latter subject he felt bound to point out that those countries which had been separated from Great Britain consumed less British goods proportionately than our colonies did. The United States took but a comparatively small amount of British goods. When a man emigrated from this country, if he went to Canada he took with him his property, whatever it might be, and it was not lost to the Empire; but if he went to America, besides the possibility of his becoming an enemy, he took his property with him, and the Empire became so much the poorer. In the event of war our colonies would be of infinite service to us, as they would furnish us with coal and other necessary supplies, while their ports would afford our ships shelter in case of need. Were we, on the other hand, to be separated from them, we should not have a single port open to us in the world, because our colonies, having the neutrality laws before their eyes, would be afraid to receive us. The United States treated their colonies in a very different manner. Instead of constantly threatening them with separation, they asked them to send representatives to Congress, and to contribute towards the general expenses of the country. [The hon. Member proceeded to read somewhat long extracts from the late Lord Elgin's letters, with the view of showing that he was in favour of a more intimate connection than now existed between this country and our colonies.] It was not, however, merely in words that this country had taken pains to inculcate the belief that its connection with the colonies was only temporary, but every opportunity had been taken of showing our intention on the subject by means of our deeds. We had conferred upon one of our colonies the ambiguous name of Dominion; we had withdrawn our troops from them; we had urged them to provide themselves with armies and navies apart from those of the Empire, and we had permitted them to enter into independent negotiations with foreign Powers. We had not required the colonies to contribute to the Imperial Revenue, although in time, when the greater part of Her Majesty's subjects resided out of England, the question would arise whether we were to undertake the protection of their trade solely at our own expense. The colonists were excluded from representation in the British Parliament, though they were obviously

Mr. Marfio

interested in many Imperial questions, India, for instance, from its proximity and probable future trade, being as much a matter of concern to the Australians as to ourselves. In other respects our treatment of the colonies was very liberal. They bore no part of the burden of the National Debt; the hundreds of thousands who yearly left our shores thus freeing themselves from all liability; the lands won by British valour had, excepting some slight changes, been handed over to them; self-government was allowed them; their Bills being scarcely ever vetoed; they were protected by us in case of war, without obligation to assist us with a man or a shilling; they were permitted to frame hostile tariffs, and part of the New Zealand Loan guaranteed by us was being expended in the conveyance of Scandinavian emigrants—8,000 of whom were now under contract to go to the colony—to the neglect of our own workmen. The attitude of the Colonial Office towards the colonists was undoubtedly courteous and conciliatory. He trusted that the guarantee of a loan for New Zealand, the policy now pursued towards the Cape, the acquisition of Dutch territory in Africa, and the loan to be handsomely guaranteed to Canada indicated a change of policy on the part of the Government. Having gone thus far we were bound to go further. Considering the anxiety which prevailed to give political representation to every class of the community at home, our millions of prosperous and enterprising colonists ought surely to be represented. France and Spain allowed their colonies representation, and Germany—which unless we looked sharp would probably seize upon some island to which we might fancy we had a claim—would probably do the same. When representation of the colonies in Parliament was advocated by Adam Smith, it was objected that the complexion of the House of Commons was corrupt, that the distance was too great, and that the colonial members would be outvoted, but that these objections or most of them had no longer force. Joseph Hume, at the time of the first Reform Bill, proposed representation of the colonies, and in Mr. Cobden's speeches he found nothing in disparagement of the connection of the colonies with the mother country. He believed a Council of State, on the German principle, would be an advisable

arrangement. Persons in the colonies were anxious that a great federation should be established, of which England should be the centre. He thought no time should be lost in carrying that idea into effect. Who were opposed to the scheme? He knew of no one. It might be objected that it was too soon to undertake such a work, but he hoped he had shown that it was not too soon. The danger was rather that it was too late. Surely, when the Empire was at peace, when there was so much prosperity, we should be willing to negotiate with the colonies on this subject. No time should be lost in making earnest endeavours to carry into execution a scheme which appeared to be wise and popular. The hon. Gentleman concluded by moving the Resolution which stood in his name upon the Paper.

MR. D. DALRYMPLE, in seconding the Motion, said, he agreed with the hon. Gentleman who had just spoken, that the connection between this country and the colonies ought to assume a more definite, regular, and intelligible shape than it had at present, and although differing from him as to the possibility of federation, which was a subject full of difficulties, yet he could not see why we should accept the policy of drifting no one knew whither. The reason why our policy of late had been so indefinite was not only owing to the fact that successive Administrations had been lukewarm on the subject, but that the House of Commons and the country had been indifferent to the manner in which the colonies were governed. We had been living too much upon our luck, and so long as things went well we had been content, without looking the dangers and difficulties of the subject boldly in the face. He would confine the remarks he was about to make to one portion of the subject to which his hon. Friend had called attention, and would preface them by the assertion that it was impossible to give assent to the statement that our colonies were in as satisfactory a state as we could wish; for instance, at the present moment it was hardly possible to find one of our colonies in so unsatisfactory a state as our great North American Possessions, and yet it was one that might so easily be brought into a satisfactory condition. We had not in all our dominions a people more thoroughly loyal than the people of Canada, and yet

at that moment, because they did not know that England would stand by them so long as they stood by England, a large party was growing up in Canada favourable to annexation; for a small population of 4,000,000 so near a neighbour to a great country with 40,000,000 of people, if left unprotected, must necessarily gravitate towards the latter. It was not that the people of Canada desired to become part of the United States—they were too acute to wish to become one of the most heavily-taxed populations in the world, instead of remaining one of the least taxed; but they believed that they had not got that equivalent in the shape of assured protection which they considered themselves entitled to. In that remarkable, comprehensive, and statesmanlike speech which Sir John Macdonald lately delivered—and which did him such great honour—he showed that he relied on the promise that England, in the event of difficulties arising, would come to the aid of Canada; but, while we were promising to send men whom we had not on the spot, and fleets which were on this side of the Atlantic, there was no doubt that the principal places in Canada would be pounced upon, nor would they be given up until at the end of a costly and probably a protracted war. Therefore, he was one of those who were sorry at the withdrawal of the last of our troops from Quebec a year ago. He admitted his entire unacquaintance with military matters, but he could not think that a country ought to be left for defence to an ill-trained and ill-provided Militia alone; for instance, in this case Canada had 40,000 Militia on paper, but they had no arsenals, nor magazines fitted for carrying on a campaign, nor were their officers sufficiently numerous or well trained. It was, therefore, in his opinion, the duty of this country, not through menace or with an idea of menace, to keep such a body of troops in Canada as would secure it from a filibustering expedition or a *coup-de-main*. Then, again, he did not think we sufficiently estimated the grandeur and importance of Canada, a colony growing in wealth and material prosperity year by year, as a proof of which he would name that in the past year we had discovered of what enormous value as a grain-growing country Canada was likely to become. The new Provinces which had

lately been made a part of the Dominion, only required capital to bring land of the most fertile description into cultivation. Their climate was capable of ripening every cereal with which this country was acquainted; the summer temperature was of 70 degrees, and in the western portion the cattle might be fed through the winter season out of doors. Then there were in those Provinces gold and copper and minerals of every description; there were fisheries, and everything that went to make up national wealth. Was that a country which we ought to be content to lose for want of a little help at the right moment? There was no more loyal people than the Canadians, especially those of the Lower Province, who at one time were so disaffected. What they asked was, to know one of two things—either, that they were to be united to us by closer bonds, or that they were to stand alone. In the latter case Canada would be able to make her own terms, instead of being taken as a conquered country, and one of the first results of adding Canada to the United States would be, that property in Canada would go up at once from 15 to 20 per cent, because the United States would give her ample means of opening up her great resources, while we were looking at both sides of the paper before consenting to guarantee a loan of some £3,000,000 or £4,000,000. Let Canada feel assured of the support of the mother country, and all doubts would cease, and there would be but one Queen, one flag, one destiny, one Empire.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, Her Majesty's Government should consider whether it is expedient and opportune that they should advise Her Majesty to appoint a Commission to inquire as to the propriety and best means of admitting the Colonies, which, by their loyalty and patriotism, their intelligence and vigour, their numbers, geographical position, and resources, have become a highly important part of the nation, to participation in the conduct of affairs that concern the general interest of the Empire,"—(*Mr. Macle,*)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. R. N. FOWLER said, there were two deprecatory remarks of the hon.

Mr. D. Dalrymple

Gentleman who had last spoken which he had listened to with great pleasure—one which regarded the withdrawal of our troops from Canada, and the other with respect to the guarantee of the loan which it was proposed to give. It appeared to him, considering the great value of the connection between this country and Canada, and that we did not risk one sixpence by giving that guarantee, that it was most unfortunate that there should appear to be any haggling or bargaining about the matter. He hoped, therefore, that when brought forward the proposal would receive the unanimous assent of the House. In former times, before the great change made in the Constitution of this country by the Act of 1832, the colonists found it much easier to obtain a seat in the House of Commons; and, although there were, no doubt, countervailing evils in the condition of things before 1832, yet it was very forcibly argued by the advocates of the old system that it practically gave representation to the colonies. Rich Indians or rich colonists could get seats for such places as Old Sarum and Gatton; and the great man who was afterwards Lord Clive, when he first came home from India, was returned for the now extinct borough of St. Michael's. Colonial statesmen, in fact, now found it more difficult to recommend themselves to any constituency, for the reason that they had lived so long abroad, and were consequently not so familiar as others with the class of subjects most interesting to the people, and adapted to the legislation of the day. The time had now come, however, when we should look this question seriously in the face, for there was no doubt of the immense importance of the colonies to this country, and that we maintained our place among the great nations of the world by means of our Colonial Empire. Take that away, and this country would sink into the position of a third-rate Power. We ought, therefore, to do everything we could in reason to meet the wishes of our colonists. All of them united in hearty attachment to the Sovereign. We had evidence of this feeling during the illness of the Prince of Wales. They, moreover, would regret to dis sever themselves from this country. While cordially reciprocating this feeling, we ought to do all we could to meet their wishes, and he was, therefore, glad that his hon.

Friend had brought this important subject under the notice of the House.

MR. R. TORRENS said, that no person could regard the position of affairs in the Dominion of Canada and the group of colonies in the Southern Hemisphere, without feeling that there was great danger in the indefinite postponement of this subject with a view to settle it once for all. Having taken part in the foundation of one of our most thriving colonies, he could not agree with those who thought that the severance of the colonies from the mother country was either desirable or inevitable. On the contrary, he was unable to see anything which should bring about such a severance, unless it were neglect to take advantage of the present opportunity, and establish our relations with the colonies on a satisfactory basis. He could not say that our existing institutions were such as to insure harmonious relations with the colonies, or lead them to depart, if depart they must, in amity and good-will, instead of in bitterness of heart and with angry feeling, for our institutions could hardly be vindicated either upon philosophic or constitutional principles, or on the ground that they worked practically in an advantageous manner. The position of a Governor of a colony under the old *régime* was one consistent with the then existing colonial system. The Governor ruled the colony through the instrumentality of Officers of State, who were appointed to carry out the pleasure of the Home Government; and most efficient instruments they were for enforcing upon the colonists that policy. But when the change came, and responsible government was introduced in the colonies, the Governor, who formerly had but one master to serve, then became the servant of two masters, occupying the position of Her Majesty's Representative and the potential advocate of the policy of Her Majesty's Ministers; he had now put upon him the incompatible duty of being the sole recognized medium of communication between the colonists and the Home Government—the advocate to urge upon the Secretary of State the colonists case from the colonists point of view. An officer so placed naturally leaned towards the interests of those upon whose favour his future career was dependent. The colonists were not adequately represented, and whilst that state of things

continued he did not think there could be the harmonious understanding which was desirable between the mother country and the colonies. As to the remedies suggested, he could not approve of them. He demurred altogether to the view of the hon. Mover of the Resolution that the colonists should be represented in that House. It might have been so at one time, but now they had given to the colonies a degree of independence which they could not retract, and which was inconsistent with representation in that House. Neither did he concur in the view advocated by some, that an Imperial Parliament should be established superior to and overriding this and the other House of Parliament, which should take cognizance of all the greater matters of State, for he could not conceive how the existence of such a body could be reconciled with our form of Government by Parliamentary majorities. Nor was he in favour of another proposal advocated by some—namely, that the Colonial Secretary should be aided by a Council, to be chosen from retired colonists, for what could a Canadian know of New Zealand, or *vice versa*? But there was ready to hand a practical mode of redressing the grievance. The colonists complained, and he (Mr. R. Torrens) thought rightly, that they were not placed at home on a footing of equality with foreign States—many of which were of much less importance—in the matter of diplomatic representation. In his opinion, our colonies should have the right to appoint *chargés d'affaires* or Envoys to wait upon the Secretary of State and represent their interests. The self-governing colonies had sent home some of their most eminent men to act as agents here for the management of their affairs, and he must at once admit that those agents had been of late placed in a much better position than they used to be. But further advance in that direction was required. The colonists should have the privilege of sending their own political agents to this country, and that those agents should enjoy the same rank, position, and prestige that was at present accorded to the Envoys of foreign States. That would afford a ready and easy solution of the difficulty which existed at present. He would now state, as an instance of the value to this country of the colonies, that the value of the British products ex-

ported from this country for consumption to the Australian Colonies alone amounted to £10,000,000 annually, or little less than the amount of our exports to France; quite as large as that of our exports to Spain, Portugal, and Italy combined, and double the amount of the British products exported either to Belgium or to Russia. The tonnage of the shipping, too, which sailed from England to Australia amounted to 4,000,000 tons annually, of which 93 per cent was British owned. Now, some of those who advocated a separation of the colonies from the mother country contended that if they were independent to-morrow, the colonies would maintain their commercial relations with this country just as they existed at the present time. The facts, however, were strongly and clearly against any such view, for when an Englishman or an Irishman emigrated to British North America, he consumed double the quantity of home products that was consumed by an Englishman or an Irishman who emigrated to the United States, and if he went to the Australian Colonies the consumption was twelve times greater than in the United States. That the trade follows the flag was further demonstrated by what took place in settlements originally planted by other countries. The French Canadians retained the language, their habits, their tastes; yet their trade had so completely passed over since their annexation to us that these French colonists consumed £5,000,000 British produce as against £250,000 French. If this were attributed to the less commercial spirit of the French, he would point to the Cape Colony, where the descendants of the Dutch settlers consumed £1,760,000 of British as against £26,000 of Dutch produce. There was another feature connected with this question which deserved consideration. Irishmen who emigrated to British Colonies almost invariably remained loyal subjects of Her Majesty. The truth of that was illustrated by the cases of Mr. Gavan Duffy—formerly a Member of that House—and Mr. D'Arcy M'Gee, who in this country were at least suspected of disaffection; but, emigrating to British colonies, became eminently loyal subjects and advocates of the British connection. But when such men went to the United States they at once began to organize themselves into societies whose object

Mr. R. Torrens

was to overturn the Government of this country and erect some other form of Government in its place. From that he contended that the more intimate were our relations with the colonies, the better it was both for this country and them. Another aspect in which the importance of the colonies to this country was shown, was involved in the consideration of our position in the event of war. England existed simply by reason of her command of the sea: she could not retain that command unless she had numerous and secure coaling stations for the ships composing the Navy, and she could not have these coaling depôts unless she retained her colonial possessions. How long would Great Britain retain her position in the Mediterranean if she lost Gibraltar or Malta? For what length of time would the Red Sea continue to be the channel between this country and India if Aden was lost to the possession of England? Precisely similar was the case of King George's Sound, which, situated at the south-west angle of New Holland, formed one of the finest harbours in the world. The nation which held possession of that harbour and coaling station absolutely commanded the navigation and the commerce of the whole Southern Seas. He did not wish a shilling of the taxes of this country to be expended for the benefit of the colonies, but it was a mistake to suppose that outlay on naval stations, such as King George's Sound, Halifax, Sydney, and Melbourne, came within that category. The colonists were unable to defend some of those places. King George's Sound, for example; having only about 100 inhabitants, and in case of war it would make a material difference whether those harbours could be used by our fleets for shelter, coaling, or refitting, or whether they would be debarred from those advantages, for the latter would be our position if the colonies were severed from us and acted towards us as neutrals. He thought, then, the custody of those places should be resumed by the mother country, not in the interest of the colonists so much as in that of British shipowners and merchants, for it was a fact that nearly all the ships plying to and from Australia, amounting to upwards of 4,000,000 tons annually, were, with their cargoes, the property of British merchants, Australian produce being paid for, wholly

or partially, prior to shipment. The colonists should not be called upon to undertake the armament and defence of these strategic positions. It was neither consistent with security nor justice that this burden should be imposed upon them. In conclusion, he would observe that those philosophers of the closet who spoke lightly of the severance of the colonies could not be aware of the advantage of common rights of citizenship between Englishmen and the colonists. An Englishman who had spent years in the colonies was not deemed the less an Englishman on his return, and might, as in his own case, be elected by a British constituency; while the younger sons of our gentry found a career open to them in the colonies, with similar institutions, habits, and social position; members, too, of our over-crowded Bar were elevated, sometimes in a few months, and in one case that he remembered in a few weeks, to the colonial Bench. On the other hand, the colonists always regarded themselves as Englishmen, and their children were taught to regard the mother country with veneration and respect. Taking those facts into consideration, he thought the colonies should not be deemed less a part of the nation than the Isle of Man, and he saw no possible advantages, whether in a military, economical, or mercantile point of view, in separation. He hoped the Government would not receive the Motion for inquiry in a hostile spirit, and he believed that the policy he had suggested would be the best solution of all pending difficulties.

MR. HERMON said, that though he concurred with the hon. Member for Leith (Mr. Macfie) who introduced the Motion, that it was most desirable to maintain the most friendly and intimate relations with our colonies, yet he was not prepared to support it in its present terms, and was glad that hon. Members had an opportunity of expressing their opinions on the important question to which it referred, more especially because what was said in that House on the subject might aid in dissipating the feeling which obtained in the colonies—that we desired to separate ourselves from them entirely. With regard to the guarantee proposed between this country and Canada, until its terms were fairly before the House, he would re-

serve any opinion he might entertain upon the matter; though he could not help saying that the House ought to have a chance of knowing what was the nature of such guarantees, before they were actually entered into, for he believed it would be found that certain circumstances connected with the guarantee between this country and Canada were not so satisfactory so the House could wish. The Government ought not to enter into such a guarantee without the sanction of Parliament, or they might as well impose taxes without its concurrence.

MR. KNATCHBULL - HUGESSEN said, he would at once admit the right of any hon. Member to bring forward any Motion which he thought deserving of discussion; but he questioned the wisdom and discretion of the hon. Member for Leith in submitting that Resolution at the present moment, and when informed of the hon. Member's intention he had endeavoured to dissuade him from proposing it. There was some subjects which did not gain by frequent and constant repetition in that House, and he asserted, without hesitation, that the repetition of debates in which the question of separation between this country and the colonies was brought under public notice did not tend to strengthen the ties between the colonies and the mother country. If the right hon. Gentleman the Leader of the opposition, or any hon. Gentleman who had some Parliamentary following or long Parliamentary experience, thought fit to bring before Parliament the colonial policy of Her Majesty's Government, or the general question of the relations between this country and her colonies, the result was that public attention was called to the subject, the benches of the House were well filled, persons well known in the political world expressed their opinions on the subject, and the subject was thoroughly discussed; but when an hon. Gentleman who, however respectable his position, could not boast either of a Parliamentary following or of long Parliamentary experience brought forward a question of this magnitude, it often happened that public interest was not awakened, the benches were not filled, and the discussion was sometimes brought to an abrupt and inglorious termination. That had before now happened to the hon. Member for Leith. Of course, the colonists

could not be expected to enter into all the considerations which affected the amount of importance given to a debate in this country, and consequently they might be led to attribute to the British Parliament the blame which in reality attached to the want of judgment of the hon. Gentleman who brought forward such a Motion on his own responsibility. Having made that remark because he deemed it his duty to do so, in order that the colonies might understand why a debate on their affairs was not carried on by the Leaders on both sides of the House, he hoped the hon. Gentleman would not think he was actuated by a spirit of personal incivility towards himself. He could state his objections to the present Motion in about four sentences. First, he maintained that the relations between this country and the colonies were satisfactory as they at present existed; and, moreover, that there scarcely ever had been a period when they were more satisfactory; secondly, inasmuch as no demand for a change of that description had been made by the colonies themselves, and as they had, on the contrary, expressed their opinion in opposition to any such change, he did not think it at all desirable that the change should be made by us; thirdly, he maintained that there were great inherent difficulties in the working of all the schemes which had been proposed for an alteration of the present system; whether the plan were adopted of a council to consult with, or rather to embarrass the Secretary of State, or of another council whose authority would inevitably clash with that of Parliament; and, fourthly, the subject had twice been amply discussed in the House of Commons within the last two years, and he was not aware of any new circumstances which should induce the House again to take it into consideration. With these few remarks he should have been inclined to dismiss the subject, but he could not address the House on the general question of our colonial relations without adverting to the language of hon. Gentlemen who carried greater weight even than his hon. Friend behind him (Mr. Macfie). It was no doubt the right, and perhaps it was the duty of the Opposition to criticize the policy and measures of Her Majesty's Government; but these criticisms, however severe they might be, ought to have some foundation

Mr. Knatchbull-Hugessen

in justice; and he was bound to say that hon. Gentlemen opposite and their supporters in the country had, especially during the last year and a-half, delivered speeches which had not such a foundation in reference to the colonial policy of Her Majesty's Government. He wished to call the attention of the House to two statements made with respect to that policy by the noble Lord the Member for North Leicestershire (Lord John Manners) and his right hon. Friend the Member for the University of Oxford (Mr. G. Hardy). He had extracts from their speeches which he must allude to in the hope of obtaining from them some satisfactory explanation. Twice during the past year the noble Lord the Member for North Leicestershire had made attacks on the colonial policy of the Government, and was reported to have said at a dinner of the Conservative Registration Society in the City of London—"They," that was, Her Majesty's Government—"have endeavoured to alienate our colonies." However, since he entered the House that afternoon the noble Lord had informed him that he did not make use of those exact words; but that he meant to say an impression had been created in the country that such was the intention, or was likely to be the result of the colonial policy of Her Majesty's Government. Still, he regretted that the noble Lord should have allowed the words to appear so long uncontradicted in the public Press. His right hon. Friend the Member for the University of Oxford had, during the Whitsuntide Recess, made a short, and he hoped a pleasant tour in the provinces, delivering addresses on political topics at Canterbury and Bradford. In the latter occurred this statement, according to a report which appeared in two daily newspapers—

"The colonial policy of the Government was no better. From every colony came complaints of neglect on the part of the Government; and it was not too much to say, that discontent in the colonies was an increasing danger to the Empire."

Another report, which subsequently appeared in *The Standard*, and which was probably revised by his right hon. Friend, gave his words as follows—

"Without entering into our colonial policy, I say this—that from every colony almost that we

have, there comes a voice saying they are neglected, they are treated ill, and that, if there is no interference with them, there is a want of warmth and heartiness of feeling to reciprocate the affection which they bear to the mother country. They tell us that they are ready to do all for us, if we will do what we can for them. They do not ask us to undertake their liabilities; they do not ask us to undertake their defence now in the same way as we did on former occasions; but they ask that this country, who sent forth the founders of these colonies, shall be a home to the colonists; that they may look to us as the mother country, and that so long—and we should never put forth a hand to separate them from us—so long as they cling to us we will cling to them, whether it be in peace or whether it be in war, and that, under all circumstances and on all occasions, we will not neglect the responsibility of duty which lies on us in this matter."

The House would observe that, under these expressions of sympathy with the colonies, in which he himself heartily concurred, his right hon. Friend brought accusations of neglect and want of warmth of feeling on the part of Her Majesty's Government towards the colonies.

MR. GATHORNE HARDY: The quotation which my hon. Friend read first is taken from an abstract of my remarks that appeared in one of the newspapers. I had nothing to do with the report which appeared on a subsequent day in *The Standard*. It does, however, express what I said; but I may remark that I sedulously avoided saying anything in reference to the colonial policy of Her Majesty's Government; and with respect to my hon. Friend himself, he knows I have spoken of what he has done in quite different terms from those I might apply to some of his predecessors. Therefore, that part of my speech was not an attack on the Government, but a statement of my views of colonial policy.

MR. KNATCHBULL-HUGESSEN, while grateful to his right hon. Friend for the remark he had just made, was unable to accept any expression of feeling which would separate him from his Colleagues on a question like that. He must stand or fall by the general policy of the Government. He alluded especially to the speech in question, because he had the greatest respect for his right hon. Friend who had held high office under the Crown, and had proved himself an able and efficient public servant; but in proportion to his respect for him was his regret to find him lending the weight of his authority to such statements. His right hon. Friend said that

complaints came from nearly every colony, and that the colonies were not treated with sufficient warmth and heartiness. To that statement he was bound to give a distinct denial. Here and there might perhaps be individuals who raised objections; but it was not anything like a correct statement to say that complaints were coming from almost every colony of coldness, neglect, and ill-treatment. He wanted to ask his right hon. Friend—who appeared to have access to channels of information from which Her Majesty's Government were excluded—from which colonies was it that these complaints proceeded? Was it from Canada? Some persons, he was aware, thought Canada had not been well treated in the recent negotiations with America; but such was not the opinion of the Canadian Parliament. With regard to that point, it was not now his intention to enter into a consideration of the Washington negotiations; but he might remark that in a recent speech Sir John Macdonald, the Prime Minister of Canada, used language which by no means bore out the idea than any complaint existed there of the conduct of Her Majesty's Government. Sir John spoke of the relations between England and Canada having been of "so friendly and pleasant a character throughout the negotiations;" and, referring to the proposed loan, he said—

"No one can say now, and under these circumstances, that England has any idea of separating herself from or of giving up her colonies. This will put a finish at once to the hopes of all dreamers and speculators who desire or believe in the alienation or separation of the colonies from the mother country."

And, speaking of the great sacrifice which, in the interests of peace, England had made in consenting to make herself liable to large money payments under the Geneva Arbitration, he says—"Has she not made it principally for the sake of Canada?" And all through the speech of that able and eminent man—the opinions expressed in which were afterwards ratified by the Canadian Parliament, he shows that Her Majesty's Government have acted in a loyal and friendly spirit towards Canada. He (Mr. Knatchbull-Hugessen) would put this point to the House. If during these negotiations Canada had been treated as she would have been, if she had been a separate or independent country, nothing could be urged against us; but if she had suffered

in the slightest degree; if any concession had been made by her which would not have been made if she had not been a colony, then by that action we were pledged more deeply than ever to the assertion that we consider Canada to be an integral part of the Empire, and that in her hour of danger we should be bound to use the whole power and strength of the country to defend her as much as if she were a part of the United Kingdom. Were there any other colonies from which complaints had come? Were there any complaints from the great colonies of Australia? The accounts received from them concurred in describing a state of great and, even at this moment, exceptional prosperity. Did the Colonial Secretary and himself display lack of interest and coldness by attending early this year a large dinner given to an eminent colonist about to return to Australia? The language they heard on that occasion, the language they used, and that which was addressed to them, must have convinced all who were present that the most kindly feelings existed between the colonies and the Colonial Office. It was not possible for an Englishman worthy of the name to look at Australia without feelings of the deepest sympathy, without satisfaction at its increasing prosperity, and without being proud of the enterprize and ability which were developing its resources, and which were exalting the English character in that part of the world. In New Zealand, no doubt, the policy once pursued caused bitterness and soreness, which at the time were not unnatural; but a change of policy had been cordially accepted by the colonists, who deserved the highest praise for the conciliatory course they had pursued towards the native tribes. So happy were the results that had followed that within the last few days information had been received that William King, to whom the late war was due, and which lasted almost without intermission from 1860 to 1870, had voluntarily tended his submission, and had become a warm supporter of the Crown. In fact, there never was a period when loyalty was at a higher flow in New Zealand, when the prosperity of the country was greater, nor when the relations with the mother country were more satisfactory. Had the Cape or the South African Colonies complained of the lack of interest taken

Mr. Knatchbull-Hugessen

in them? The Government had lately advised the Crown to assent to the annexation of a large portion of valuable territory, and he took his full share of the responsibility for that, having warmly recommended it to his noble Friend at the head of the Colonial Office. In regard to the Cape and Natal, recent events had shown a sincere desire on the part of the Government to promote the prosperity of the colonies and to carry out the wishes of the colonists in their management, and the debate of the previous Tuesday showed that the House appreciated, as would the colonies, the action taken by the Government. In West Africa we had just effected an amicable arrangement, and though of course there were some complaints—as would be the case everywhere where free discussion and a free Press happily prevailed—there was increasing prosperity in every one of the West African Colonies, and we might anticipate that their material prosperity would promote the advancement of civilization and Christianity in the interior of Africa. Turn to Ceylon, which had now a revenue of £1,000,000 a-year, and an annual surplus and where, on the recent report of an eminent engineer, his noble Friend the Secretary of State had been able, as he had long wished, to adopt the views of the colonists as to the construction of a breakwater instead of an inland dock at Colombo. Turn to the West Indies; the Act for the federation of the Leeward Isles, passed last year, was working satisfactorily; and Jamaica was never more prosperous than now. Had we neglected British Guiana? To that colony we had sent a Commission to enquire into the labour question, and in consequence of its Report we had just sent out an Ordinance, by which we hoped to remove various difficulties and to improve the condition of the labourers. Had Mauritius cause to complain? There had, indeed, been financial embarrassment and complaints of insalubrity of climate, greatly owing, he believed, to the felling of the forests; but we had lately been endeavouring to promote works which would preserve the public health, and the financial prospects of the colony were better than they had been for many years. He might go further through the list of our colonies without discovering whence the alleged complaints proceeded. No doubt something

in the nature of complaint must have reached his right hon. Friend, or he would not have made the statement he did, and the only quarter from which he could imagine complaints had come was Hongkong. True, it was flourishing, and had a port the tonnage of which was exceeded by that of only three ports in the United Kingdom. Action had been taken with respect to the licensed gambling-houses there, which had been suppressed, and it was possible complaints might have been received by his right hon. Friend from Chinese gamblers. If such was the case, he heartily, though very respectfully, wished his right hon. Friend joy of his clients. After the kind expressions to which his right hon. Friend had given utterance, it must be inferred that he did not intend to make any severe attack upon the Government; but when these charges were made by Gentlemen of position and authority, and were published in the papers, the damage they did was not confined to the Government; indeed, that was as nothing compared with the damage to the country resulting from the uncomfortable and disagreeable feelings produced in the minds of colonists. Therefore, no public man could make such grave charges without incurring great responsibility. The proper place to make them was the floor of the House of Commons, where they could be answered; and therefore he would say—"Hit us fairly in the face here; but don't stab us in the back at Conservative banquets." If there was a subject on which patriotism ought to rise above party, it was that of colonial policy. Of course, there were difficulties in dealing with the colonies, which required different treatment according to their age, position, and circumstances; and the policy of the Government was to foster and aid their development, at the same time strengthening the links which bound us and our colonies together. What was the difference between this policy and that of the Government which preceded them? It was impossible to discover. Last year it fell to his lot to expound the policy of the present Government. The Prime Minister sat by his side as he did so, and would have corrected him had he been wrong. Therefore his exposition must be taken to have been just and true. He knew that that speech had been received with great satisfaction in the colonies. For

himself, he would be the last man to remain connected with a Government which had adopted a policy of separation; indeed, he would rather take his seat on the back benches behind his right hon. Friend the Member for Buckinghamshire (Mr. Disraeli) than be committed to such a policy upon the Treasury Bench. There might be some who valued the colonial connection less highly than he did; but the policy which he advocated was not only the policy of the present but must be that of any future Government, because it was the only policy which would be supported and endorsed by the spirit of the British people. The colonies did not make extravagant demands upon us; they wanted nothing that we ought not really to grant them; they wanted warmth and heartiness in our dealings with them; and so long as he occupied his present position, that warmth and heartiness of sympathy on the part of the Government would not be wanting. As it had been stated that there was a large party in Canada who wished for annexation to the United States, it must be remembered that there would be varieties of opinion in a country where discussion was free; but he was sure that the great bulk of the Canadian people were thoroughly loyal and true, and the cordial expression of our good feeling was all that was required to secure a continuance of their loyalty. The statements made with respect to the Canadian Militia were not quite correct; a large proportion of the total number enrolled had gone through their annual drill this year, and the Reserve Forces of Canada numbered 700,000, including an increase of between 30,000 and 40,000 which had been made during the last two years. He would not enter into any speculation as to the future of Canada, if certain eventualities should happen; but this he would say—there was every determination in the Government and the country to stand by Canada, and he would add, he knew that the loyal spirit of the English people was thoroughly reciprocated by the Canadians. With regard to the language used by the hon. Member for Cambridge (Mr. R. Torrens), no doubt there were inherent difficulties in the position of some colonial Governors. That was a subject well worthy of consideration; but, for his own part, he did

not find that either the colonies or Governors themselves complained of any such awkwardness as had been referred to. No doubt, however, the Governor at the head of a large colony with responsible government must assume a somewhat different position from that of the Governor of a small Crown colony. With regard to federation, so long as they received no complaints from the colonists, it would be most unwise, either by a Royal Commission, or by a Committee, to investigate the subject, especially when our doctors disagreed as to the remedies they prescribed. He entirely agreed with the tribute paid to the colonies in the Resolution. He owned that they were an important part of the Empire, and considered it our duty to cement the alliance between them and the mother country. He considered the colonists separated from us only by water; they were just as much our fellow-subjects as if they lived in this country; and, taking that as the basis of our policy, he always had been and always should be in favour of maintaining and cementing the bonds between them, and of dealing with every colony as much as possible according to the wishes of the colonists themselves. He hoped his hon. Friend would withdraw his Motion.

MR. GATHORNE HARDY said, that he was not sorry—even at the expense of what he considered to be a somewhat unfair attack upon himself—that the hon. Gentleman opposite the Under Secretary of State for the Colonies should have risen in his place and spoken out so plainly in regard to the policy of the Government towards the colonies. He had heard the hon. Gentleman read the extract from his (Mr. G. Hardy's) speech with great satisfaction, because it expressed exactly what he felt, but not a word of it justified the attack that the hon. Gentleman had made on himself. Indeed, the hon. Gentleman might have remembered that on one occasion last year, when the hon. Gentleman expounded the policy of the Government on the subject, he (Mr. G. Hardy) had taken the opportunity of expressing then—as he begged now to express again—the satisfaction with which he had heard the hon. Gentleman speak of the union which it was so desirable to maintain between the colonies and the mother country. The hon. Gentleman might have known, therefore, that he had had

no intention of attacking him. It was a little inconvenient, however, to say the least of it, that he (Mr. G. Hardy) should be called upon then, at a moment's notice, to defend what he said, because he had had no opportunity of providing himself with documents, but he would say that he was prepared to stand by everything that he had expressed on the question. It might have been a rhetorical expression to say that "every colony" was in a state of dissatisfaction; but any hon. Gentleman who had received the number of pamphlets that had been sent to him from various parts of the world with reference to the grievances of our colonies would admit that the feeling of soreness was very widespread indeed among them. Certainly, all the great colonies considered that they had ground of complaint; the very debate that evening proved it. They had heard one hon. Gentleman—formerly a distinguished politician in Australia—rise and complain of the conduct not of the Government only, but generally of the attitude of the country towards that colony; and the hon. Member for Bath (Mr. Dalrymple) considered that Canada had been in some respects unfairly used—nay, more, it was notorious, even with respect to the Governor General of Canada, that he had used expressions with regard to the probability of the separation of Canada which had given rise to the impression that such an event might be near at hand. That very day, moreover, he (Mr. G. Hardy) had been in conversation with a colonist of some distinction who had sent him a pamphlet on the subject, and his tone throughout was—not, indeed, that there was anything specially wrong, but that they had not been treated by the Government or by the country in the way that they had expected. The gentleman in question had also complained of the neglect of the interest of the colonies in that House; but he (Mr. G. Hardy) had assured him that it was not by passing abstract Resolutions that they would show their affection or interest for the colonies. Abstract Resolutions led to no result, but if there were grievances, let them be brought before the House and discussed; while with regard to the Motion, he objected to it as much as the hon. Gentleman himself did. It was vague and uncertain. The hon. Member for Leith (Mr. Macfie),

Mr. Knatchbull-Hugessen

who moved it, was in favour of a federation; the hon. Member for Bath was in favour of something different, which he did not explain; while the hon. Member for Cambridge (Mr. R. Torrens) wanted neither a federation, nor a Council, but something else—he did not exactly seem to know what—in the interest of the Australian Colonies. Well, he hoped that the hon. Gentleman opposite (Mr. Huggessen) would deal a little more mercifully with him (Mr. G. Hardy) on any future occasion, seeing that he had expressed sentiments entirely concurring with the hon. Gentleman's own, for he had only spoken in favour of a cordial feeling with the colonies, and against that party which was rising up in the country who wished for a dismemberment of the Empire. He knew that there were hon. Members in that House who wished it—there were even some who thought that it would be desirable that we should give up our connection with India. It was against that feeling, which he considered would be fatal to the country, and not against the Government, that he had directed his remarks at Bradford. He was glad, however, to have been the means of stirring up the hon. Gentleman to the vigorous speech they had just listened to; for he did not believe that the hon. Gentleman would have arrived at such a pitch of high enthusiasm if it had not been for the attack that he supposed had been made upon him. Therefore, he (Mr. G. Hardy) had done a great deal of good, by enabling the hon. Gentleman to prepare an answer to the hon. Member for Leith beforehand. The skeleton speech made by the hon. Gentleman last year had been clothed with a degree of warmth which it might otherwise have lacked but for him, and it would now go forth in vigorous flesh and blood. They had now received a fresh and clear embodiment of the views of the hon. Gentleman, who loved the colonies even beyond his party; and if ever any of these insidious enemies of the State who wished for the disintegration of the Empire should creep into the Cabinet or on the front bench, the friends of the colonies on the Opposition side of the House were in that case to have the hon. Gentleman as a recruit to speak with enthusiasm in their behalf, while he would no doubt be received with due consideration if he did not become

the great exponent of colonial policy of the Opposition. He hoped that the hon. Member for Leith would be content with the discussion and with the enthusiastic appreciation of the hon. Gentleman, and would not press the Motion, because it would do the colonies harm and the mother country no good.

MR. KINNAIRD said, he was greatly obliged to the right hon. Gentleman the Member for Oxford University for having drawn out the explicit statement they had heard from the hon. Gentleman the Under Secretary for the Colonies, and he only regretted the absence of the Chancellor of the Exchequer, whose able speech on the subject they must all remember. They were now acting generously by their colonies, and Canada might dismiss her apprehensions for the future; although he feared that the withdrawal of the troops, both from Canada and New Zealand, at a critical moment had produced an indelible impression on the minds of the colonists.

MR. GREENE said, that anyone after listening to the speech of the hon. Gentleman the Under Secretary for the Colonies would imagine that the Millennium was about to commence. Now, as a colonist, he must say that there was much to complain of. The Under Secretary talked of federation, but how had it been carried out in the Leeward Islands? If he (Mr. Greene) had known the opportunity would have offered itself that evening, he should have been glad to call attention to the manner in which that Confederation had been forced upon the inhabitants of those islands. For six successive times the Governor in chief had caused the Legislative Assembly to be summoned to meet for the dispatch of business, and had afterwards annulled the summons, to the great inconvenience of the Members of the Assembly and of the public, the object of his Excellency being to secure a packed Assembly, in which he might carry the vote in favour of Confederation. He (Mr. Greene) could produce testimony for what he had asserted, and must say that he entirely agreed with the right hon. Gentleman (Mr. G. Hardy) that there was a general feeling of dissatisfaction among our colonies at the treatment they were receiving from the mother country.

Motion, by leave, withdrawn.

EDUCATION—RETIREMENT ALLOWANCES FOR CERTIFICATED TEACHERS.

NOTICE OF MOTION.

MR. WHITWELL, in rising to move—

"That this House will, upon Thursday next, resolve itself into a Committee of the Whole House, to consider of an humble Address to Her Majesty, praying that, by a deduction from the Parliamentary Grant in aid of Public Elementary Schools, a provision may be made for granting Annuities to the Certificated Teachers of such Schools upon their retirement by reason of age and infirmity; and to assure Her Majesty that this House will make good the same,"

said, that during the time when the Education Bill was before the House the subject had so much attracted the attention, and nearly the unanimous sympathy, of hon. Gentlemen on both sides, that the Vice President of the Council had promised it should receive his serious attention, and he hoped, therefore, that the right hon. Gentleman would now be able to announce that he would accept the Motion. The subject of superannuations had much engaged the attention of the teachers, and had been brought under the notice of the Education Department by deputations to the Privy Council Office. There had also been a meeting of 5,000 teachers at Birmingham, and another at Manchester, where resolutions were passed in support of some such scheme as he now submitted to the House. Seeing that such was the unanimous feeling of a body of men to whom the country was indebted for the position it had attained to in respect to education, he certainly thought that their opinion was deserving of attention by the part of the House. Everyone knew that the work of these teachers was highly important and very laborious; it lasted from Monday morning till Friday night, and often on Sundays also, and was generally carried on in rooms of which the atmosphere was far from wholesome. They did not ask for any additional Government grant, but only that out of the present capitation grant as much might be set aside as would enable the Education Department, by such a system of arrangement as might be found desirable, to provide a small annuity for the teachers in the time when the infirmities of age should overtake them. He had intended to introduce a Bill on the subject, but he found that the Rules of the House forbade it, so that he was obliged to explain the

details of the scheme in connection with the Motion. The proposal was this—that, in the first year after the plan had been decided upon, 1 per cent from the capitation grant should be deducted; in the second year, 2 per cent; and an additional 1 per cent up till five years, when a sufficient sum would have been provided to meet all contingencies that need be anticipated. He also proposed that a similar percentage should be deducted from the teachers' salaries. He knew it would be objected that by such a scheme, the younger teachers would be providing for the elder ones; but that would really not be the case, because it was certain that the Capitation Grant would last as long as the number of years likely to be attained by any teacher now living. It might also be said that teachers earning larger salaries ought to receive larger pensions; but his proposal was, that at the age of 55 years every teacher who had served 30 years should be entitled to a pension for the number of years he had served at the rate of £1 per year for males, and 15s. per year for female teachers. The teachers had themselves fully contemplated the point, and were unanimously in favour of the system he proposed, and he trusted, therefore, that the House would not consider the scheme an impossible one. If the Government, however, consented to refer the difficulties, admittedly connected with the question, to a Committee upstairs, he should be perfectly satisfied. Teachers were not public servants in one sense, though they were employed in the public interest, nor did he expect in any new measure that their relations to the State would be changed; but they nevertheless felt themselves to be public servants, and entitled to the superannuation enjoyed by other servants of the State. There were few employments so depressing, and those who followed the profession had only a gloomy picture to look forward to, with nothing to brighten the prospect in their old age. They asked no more than what the State had already given; all they wished was that it should be differently appropriated; and what they asked was simply that their scheme which evinced prescience and self-denial on their part, should be encouraged. In 1846 the Government did actually promise pensions, and several teachers were induced to take service under them on that account. In 1851 a large sum was

paid to carry out the promise given in 1846, and in 1870 something like £466 was devoted to that purpose; but he would not enter into the details of that extraordinary promise, or breach of promise. His system was to deduct from the payments of the present a sufficient sum to provide future superannuations; and inasmuch as the Scotch Education Bill contained a clause providing for superannuation, and, moreover, as they had just passed a Bill to enable corporations to grant superannuation allowances to their town clerks and other officials, they really should not forget the claims of the teachers, for town clerks had generally something besides to look to, but the poor teachers had hardly anything else. The number of letters he had received from members of that useful body detailing their painful situation, their poverty, disease, and trials were such as to harrow his feelings morning after morning; he must, however, say that they had made every exertion their scanty means enabled them to obviate those evils, and it was to their credit that they had established a benevolent society, and out of their own subscriptions they granted sums varying from £10 to £20 to those of their number who were obliged to leave their duties. He hoped he had said enough to secure for his Motion the sympathy, if not the support of the House, and would conclude by laying it before them to deal with as they thought fit.

MR. MELLY, in seconding the Motion said, he wished to bear testimony to the great interest with which this debate was watched by many thousands of teachers, and also to the great moderation of their wishes. It was not that they asked for an increase of salary, but rather for recognition in some degree as public servants, and for the establishment of some system of life assurance under Government guarantee, which they might look forward to without fear of risk. Speaking for the managers, he might also say, that they were almost as unanimous on the matter as the teachers. There was no position more painful than that in which a school manager was placed when he found the capitation grant falling off, and his school losing ground, because the masters or mistresses were getting a little past their work; and it would be a great advantage if, without an appearance of too

much hardship, he felt he might give a hint to the teachers to leave their situations within a certain time. There were, however, some serious difficulties in the way of adopting the Resolutions; for instance, his hon. Friend the Member for Kendal had proceeded on the assumption that the capitation grant went direct to the masters and mistresses; but in that he was in error, for in many instances that was not so. It also made retirement from age the sole condition of superannuation; but no scheme would be satisfactory which did not take into consideration cases of infirmity brought on by the energetic discharge of duty. He was certain, therefore, it would be wise if Her Majesty's Government met with favour the proposal of his hon. Friend for some inquiry.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon Thursday next, resolve itself into a Committee of the Whole House, to consider of an humble Address to Her Majesty, praying that, by a deduction from the Parliamentary Grant in aid of Public Elementary Schools, a provision may be made for granting Annuities to the Certificated Teachers of such Schools upon their retirement by reason of age and infirmity; and to assure Her Majesty that this House will make good the same,"—(*Mr. Whitwell*),

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. BIRLEY said, he understood that Her Majesty's Government were prepared to accept the principle of the Motion, but that its terms were not the most desirable, and therefore it should be referred to a Committee for careful examination. Two considerations ought to weigh with the House in taking that course—first, the comfort and well-being of the teachers, who in after life, had little opportunity of earning a livelihood after they had quitted the profession; and secondly, in the prospect of a great increase in the number of elementary teachers, it was the duty of Parliament not only to maintain, but to improve the standard. He agreed with those who thought that the matter should be referred to a Select Committee, or, at all events, that some means should be taken for seeing whether the scheme could or could not be worked. The House must feel that by affording to teachers such a

resource their profession would be elevated; and none who had had practical experience of elementary schools could doubt the importance of improving the standard of the teachers, looking especially to the large increase that there would probably be in their number. It was only necessary to remind the House that not a shilling would be added to the present burdens of the country.

MR. PIM said, he sympathized with the views of the hon. Member for Kendal, and hoped that the inquiry would be extended to the Irish teachers, whose necessity was as great, if not greater than any other part of the kingdom, and who would feel disappointed if they were not treated in the same manner as the teachers in English schools.

MR. HERMON said, he would remind the House that from the Returns of the salaries of the teachers all over the country they did not average £90 a-year. He might be told that curates worked for less, but they had the prospect of preferment, whereas the persons in question had no prospect but that of teaching in schools, while a curate, who received about the average amount of salary that was paid to a schoolmaster, might become Archbishop of Canterbury. Teachers, indeed, were not eligible to become even sub-Inspectors of schools, unless they qualified by taking the degree of B.A. at the University of London, although the prospect of such advancement might stimulate them in the performance of their duties. He was glad to hear that to some extent the Government sympathized with the Resolution, for the demand which the teachers made was a moderate one; although he was, as a matter of principle, opposed to superannuation, as he thought that all persons should be paid a sufficient sum for their own labour to enable them to make provisions for old age.

MR. REED also hoped that Her Majesty's Government would allow the whole question, in the broadest form, to go before a Committee. They were not going then to enter its details, but, representing, as he did, the London School Board, he begged to say that that body was most anxious to have the whole question investigated. He believed that such investigation would give great satisfaction to the teachers, than whom there was not a more meritorious

class of persons in the country, nor any who were worse paid. Under these circumstances, he felt bound to support the Motion for referring the matter to a Committee.

MR. SCOURFIELD also supported the Resolution, believing its object to be of great importance as affecting the energy of teachers, for with a good master, there would be a good school with an indifferent set of regulations; while with a bad master, there would be a bad school, in spite of the best regulations.

MR. O'REILLY DEASE also desired that this inquiry should be extended to the teachers of Ireland in accordance with their expectation.

MR. MAGUIRE, in expressing a similar wish, asked how the proposition of the hon. Member for Preston (Mr. Hermon) could be applied to the Irish teacher, the payments to whom only averaged £35 per annum. With the utmost self-denial it was impossible to make provision for old age out of such a pittance.

MR. W. E. FORSTER said, this question was not only interesting in itself, but it vitally affected the interests of many thousands of persons to whom the House should give every consideration. As regarded the Irish teachers, however, he thought it would not be to their advantage to be included in this inquiry, for, although he was not departmentally informed of their position, he had some knowledge of it. He did not, in that, by any means say that there might not be reasons for inquiring into their condition; but their position was different from that of the English teachers, while the sources from which they received payment were not the same, neither were their relations to the State similar, and he felt that they would not gain by being included in the proposed inquiry as to England and Scotland. And here he must take the opportunity of informing the hon. Member for Preston (Mr. Hermon) that he was in error in saying that schoolmasters could not become inspectors' assistants, because they were not only able to do so, but the appointments were limited to them. As to the particular question before the House, he sympathized with the object of the hon. Member for Kendal (Mr. Whitwell), for he thought there was no more deserving body of persons in England than the

Mr. Birley

certificated teachers, and it was desirable that they should be able to look forward to some provision in their old age, for their labour was one which wore out life quickly, and, after a comparatively early age, did not leave either men or women able to do other work. Unquestionably some provision should be made for them, but the question was, in what manners such a provision could be made; whether by voluntary association, or assistance from individuals, or from the State. It was a matter which deeply affected the interests of individuals for whom every one felt a great sympathy, but it was only kindness for a person in his position to point out what he considered the actual relations of these persons to the State and to the House of Commons as guardians of the public purse. Schoolmasters and schoolmistresses were not Civil servants nor public servants. The State did not employ them, and ever since the Revised Code of 1862 they had received no pay from the State, for one of the main principles of the Revised Code was, that the question of pay and employment was left between them and the managers of schools, and they still remained in that position. But although the State did not employ or pay them, it had this relation to them, that it had conferred upon them two great services. In the first place, it had trained them almost entirely at the expense of the taxpayers; and in the second place, it gave them by the action of the Code and the Education Act, if not a monopoly in the business of teaching, a great preference over any of their competitors. Having put them in such a position, they were left to the general condition of supply and demand. It was true that the Act passed two years ago had somewhat changed their condition. But in what manner? It had improved their position throughout England—and the Scotch Education Act would do the same for them in two ways, first, by increasing the funds out of which they were paid; and, secondly, by increasing the demand for their services. That being the case, he came to the consideration of the plan proposed by the hon. Member for Kendal. Last year he (Mr. W. E. Forster) stated that he had looked into the question with great care and anxiety, and that he was prepared to consider any plan that could be brought forward with the assent of the large body of the managers of schools;

but he stated also that he did not consider there was any claim for a State grant, and that the State could not increase the Parliamentary grant now made. The hon. Member for Kendal had now taken up the question—and he congratulated the teachers on having put their case into such able hands—but he regretted that the Rules of the House prevented the plan being brought forward in the shape of a Bill, in which it might have been considered more fully and more clearly. Whilst, however, he sympathized with the object which the hon. Member had in view, and whilst he admitted that the hon. Member's scheme did not attempt to obtain any grant from the public purse, yet he thought difficulties which were almost insuperable would be found in its working. The plan was that the Education Department should begin with a deduction of 1 per cent from all the grants to managers of schools, and that it should go on increasing until it reached 5 per cent; that the sum thus deducted should be put to the credit of an account; and that out of that sum persons should be paid on this principle—that any master or mistress, upon proof being given that he or she had taught for a certain number of years, a certain sum should be paid to them. The meaning of that was, that the young and strong teachers would have to pay the old and weak teachers. The hon. Member had stated that the young teachers were willing to submit to such a sacrifice. If so, it was much to their credit; but the House ought to be well informed on the subject before making such self-denial compulsory. It would, moreover, give precisely the same sum to teachers with a small salary as to those in receipt of a large salary—the same sum to the teacher of a small school as to the teacher of a large one, so that the pension to be given was irrespective of the sum which had been paid for what he might call insurance. Now, that was contrary to the general principles of insurance. It might be the best way of meeting the difficulty; but if he had proposed such a plan on the part of the Government, he should have received many assurances that it was not a fair plan, and he did not think it would be right to assent to the principle of such a plan unless he was assured that the teachers thought it the best plan. The House ought also to be satisfied that

the managers were willing to put such a plan into force, for the result of the working of the plan would be this—that 5 per cent reduction being made, the managers of large schools would have to submit to a larger reduction than the managers of small schools, whilst the payment to their teachers would not be larger than the payment to the teachers of small schools. He thought, therefore, there were great doubts whether the teachers and managers would assent to such a plan. Under all the circumstances it was doubtful whether the teachers would be benefited by the scheme, and again it was doubtful whether the pensions could be paid out of the sum it was proposed to deduct. Now, it was very unwise to encourage expectations of a pension and then withhold it from want of funds, and he feared the ground for withholding it being founded on the fact that the framers of the scheme had made a mistake would not be held sufficient, and that the public purse would eventually be drawn upon to supply the deficiency, despite the resolution that the pension should cease on the fund becoming exhausted. There were also difficulties in regard to the machinery by which the system would have to be managed. His hon. Friend was no doubt to some extent conscious of those difficulties, and therefore he proposed that there should be an inquiry into the subject upstairs. Now, he thought they ought to be very cautious before they agreed to a Committee on that matter, for two reasons—first, that all those who had work to do had so much on their hands that they had little time to spare; and it was always found that Committees were best formed of those who were busy people, and who therefore had to make great exertions to attend. Again, they ought not to enter upon an inquiry of that kind, the very fact of instituting which would excite expectations among a large body of persons, unless they had real and strong grounds for entering upon it. Therefore, if the House assented to appoint the Committee, he was very anxious that the teachers should not be under any misapprehension as to its appointment, and consequently, the hon. Member for Manchester (Mr. Birley) must allow him to correct his assumption, that the Government accepted the principle of the Motion, for the difficulties surrounding

Mr. W. E. Forster

the matter appeared to him at present to be so great that that was far too strong a statement for the hon. Member to make. But, at the same time, he was very anxious that the large body of persons who were assisting them in the work of education should feel that the Government and the House gave every fair consideration to their position, and he should be exceedingly sorry if they thought that, from any dislike to engage in a troublesome inquiry, the Government were unwilling thoroughly to weigh their statements and their own propositions for meeting the difficulty which certainly did them credit. If such an inquiry were made, it might perhaps be found that some such plan would effect the object in view, or, on the other hand, that the difficulties were so great that they must ask the teachers to band themselves together in a voluntary association. If it should be found necessary to take the latter course, no doubt many people in the country who took an interest in education would be ready to assist them in any way they thought desirable. He would not anticipate the result of the Committee; but, under all the circumstances, the case was one which might fairly be inquired into, and therefore if the hon. Member would withdraw his Resolution, and substitute for it a Motion for a Select Committee, he had no doubt the inquiry would be granted without further discussion.

MR. GREGORY said, he thought the course suggested by the right hon. Gentleman a reasonable one, and would hope that the parties interested would be able to present to the Committee a fair, reasonable, and proper scheme for carrying out that which would be so much for the benefit of the teachers, and which would enable the managers of the schools to carry on their work in a much more effective way. He also thought there was no doubt whatever that the teachers would feel grateful for the way in which their services had been recognized by the House and the country.

MR. WHITWELL said, he would withdraw his Resolution.

Amendment, by leave, withdrawn.

CRIMINAL LAW — RELEASE OF THE
WHITEHAVEN RIOTERS—THE LATE
MR. MURPHY.—RESOLUTION.

MR. PERCY WYNDHAM, in rising to call the attention of the House to the release of the men sentenced by the Lord Chief Baron at the Summer Assizes held at Carlisle in 1871, to twelve months' imprisonment for a riot at Whitehaven, before their term of imprisonment was expired, and to move—

"That, in the opinion of this House, the release of the Whitehaven rioters before the expiration of their sentence was not warranted by the circumstances of the case, and has a tendency to weaken the deterrent power of [the Law against offences of the like character,"

said, that in calling attention to the subject, he was very anxious that his motives in bringing it forward should not be misunderstood. Mr. Murphy, the Protestant lecturer, who suffered on the occasion of this riot, had since died—a fact which was sufficient to make him speak of him with respect. Having said that, however, he must proceed to state that he had not the slightest sympathy with the manner in which that gentleman enforced his views at the various places where he lectured, and that he had always been of opinion that the authorities of any town in which Mr. Murphy attempted to lecture would have been quite justified in using all means direct and indirect which were consistent with the liberty of the subject to prevent his doing so. His object, however, in bringing forward the Motion was to point out that a very serious breach of the law having been committed, and those who were guilty of it having been convicted and sentenced to certain punishment, in measuring which every weight had been given to all the circumstances which told in their favour, the verdict of the jury ought not to have been reversed, nor the sentence so pronounced mitigated, unless some very strong reasons could have been shown to justify such a course being taken. The facts of the case were short and easily stated. In April of last year Mr. Murphy delivered a lecture at Whitehaven, which was attended with considerable riot, and he subsequently announced his intention to deliver another on the 20th of that month. In the meantime, there was considerable excitement among the Roman Catholic

population at Cleator, a place about three or four miles from Whitehaven, and on the day in question a very large body of them marched through the town of Whitehaven to the place where the lecture was to be delivered, their numbers quite overawing the inhabitants; and having entered the lecture hall, in the words of the learned Judge who presided over the trial, they committed a most cowardly assault upon Mr. Murphy, which was attended with circumstances of great brutality. It was right in a case of this kind to give every weight to the circumstances under which this assault was committed. He was not one of those who would deny that the causes which led to this breach of the law were such as deserved special consideration. No doubt, if a man's religion were assailed, he was to an extent justified in feeling a certain amount of indignation; but he wished to impress upon the House the fact that the mitigating circumstances in the present case had been fully considered by the learned Judge in measuring out their punishment. The prisoners were defended by a most able advocate, Mr. Charles Russell, and the learned Judge, after carefully summing up, in passing sentence dwelt upon the brutal nature of the assault, and used the words—

"I make allowance for some degree of irritation—I may even use a stronger term, and say a feeling of indignation, by which some of you may have been actuated, and, therefore I do not sentence you to that extremity of punishment which I cannot help saying you have merited."

He (Mr. Wyndham) regretted to state that from the unfortunate feeling that prevailed between Orangemen and Roman Catholics in the North of England, and from a jealousy which existed between English and Irish miners and "navvies" which had given rise to the riot and assault in question, other assaults and riots were of frequent occurrence, which those who were engaged on the commission of the peace found much difficulty in dealing with, and the fact was that this particular case did not stand alone. Under these circumstances, the mitigation of these men's punishment was greatly to be deplored. Common justice required that sentences of this kind should not be interfered with by the Home Office. At the Summer Assizes of last year, after this case had been tried, three men were put upon

their trial for what was either very aggravated manslaughter or murder, which was tried by the Lord Chief Baron, who summed up with the greatest care, and these men, to the astonishment of the learned Judge and of everybody in Court, were found "not guilty." It never occurred to the Lord Chief Baron that such a verdict could be given; indeed, in summing up, he had directed all his attention to drawing a distinction between murder and manslaughter. It was felt at the time by all who were interested in the preservation of the peace in this country that the result of that trial would have a very unfortunate effect, and in the opinion of the magistracy and of those who were capable of forming a correct opinion on the subject, many violent assaults that happened shortly afterwards might be considered as the direct consequences of that verdict, as the people who committed such assaults believed that juries were inclined to regard such offences lightly. One of the misfortunes that followed upon this sort of spasmodic interference with the due course of law was that apparent injustice was inflicted upon other persons whose punishment was not mitigated. Thus, at the Carlisle Christmas Assizes last year three Roman Catholics were charged with an aggravated assault on an Orangeman; but there was this distinction between that case and the Murphy riot—that the offenders in the former had committed the offence in their own town—Maryport—and had not walked to another place four miles distant with the intention of breaking the law. Moreover, a large minority of the magistrates were in favour of imprisoning the men for 18 months with hard labour; but the sentence actually passed upon them was 12 months' imprisonment with hard labour, whereby an apparent injustice was inflicted upon them, for their sentences had not been mitigated in accordance with the precedent set in the Whitehaven case. Now, he wished to know if the Home Secretary would advise the Crown to extend its mercy to those men? He was the last to wish that the Home Secretary should do so; but those kind-hearted people who signed this Memorial would, doubtless, think otherwise, and would believe that the Lord Chief Baron had now himself arrived at the opinion that the sentence he had passed last year was

Mr. Percy Wyndham

more severe than the circumstances of the case warranted. In the case of the Murphy rioters the Home Secretary had acted upon a Memorial which was sent to him on the subject. That Memorial, like all such documents, should be received with the utmost caution, for it stated facts and evidence without any of those safeguards which attended a trial in an open Court. It was stated, for instance, that the men accused were not armed with sticks or other weapons; but that was not true, for they had sticks, and one of them carried a crowbar, and no doubt some of the injuries inflicted upon Mr. Murphy were inflicted with instruments of that description. It was almost certain, also, that one of the men carried fire-arms; and it was the fact that though there were 40 police in the crowd they did not deem it prudent to make a single arrest at the time, and when they did arrest one of the men afterwards a loaded revolver and a dagger were found upon his person. Another statement in the Memorial was that great peace and good-will had prevailed in the neighbourhood since. How far that was true was shown by the fact that not only at the quarter sessions, but also at the petty sessions since, there had been many charges of assault made between Orangemen and Roman Catholics. Four or five of the magistrates who had signed the Memorial were friends of his own; but he felt bound to say, with great respect, that they did not represent the opinions of the magistrates generally, or of the people of the county upon this question. The memorialists also declared that the effect of extending the mercy of the Crown to the imprisoned men could not fail to be salutary; but certainly that anticipation had not been realized, for on the very night these men were released five others were arrested for assaults. And not only that, but the released prisoners were met at the station by cars and carriages, and were carried in a triumphal procession, which showed that these remissions of sentence were only regarded as the triumph of one party over another. Indeed, before the evening was over, one of the magistrates who had signed the Memorial had himself to try Roman Catholics and Orangemen for assaults arising out of the excitement occasioned by the procession. The Home Secretary had stated on a previous occasion

that he referred the Memorial presented to him to the Lord Chief Baron, who gave his assent to the prayer of the memorialists. But nothing could be more mischievous than the practice of making such appeals to the Judges, and giving them the opportunity of revising their sentences. The Judges at present had a great amount of responsibility, and it was very unadvisable to weaken the sense of responsibility which existed in them; and it would be a great evil if a Judge, who might himself feel great doubt in dealing with a particular case, were led to think that he would have an opportunity of revising his sentence before 12 months were over. He (Mr. Wyndham) wished to know what were the general and guiding principles upon which Home Secretaries acted in these matters? He had heard it laid down as one of those guiding principles that if, after a trial, circumstances came to light which were not given in evidence at the trial, and which it was clearly shown could not have been given in evidence then, that would be a valid ground for the re-consideration of the sentence. But apply that principle to this case. So far from anything having been shown after the trial which could mitigate the offence of the prisoners, Mr. Murphy had died since the trial; and his death, though not caused by the injuries he sustained at Whitehaven, was clearly shown by medical evidence to have been accelerated by those injuries. And yet these men were released three weeks or a month after Mr. Murphy's death. In conclusion, he must say he had brought the subject forward with great reluctance; but he felt that it was his duty to bring it forward.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, the release of the Whitehaven rioters before the expiration of their sentence was not warranted by the circumstances of the case, and has a tendency to weaken the deterrent power of the Law against offences of a like character;"—(Mr. Percy Wyndham,)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. SINCLAIR AYTOUN said, he would have much pleasure in voting with the hon. Member if he divided the

House on this question. He (Mr. S. Aytoun) entertained a very strong opinion of the manner in which the Government had acted with regard to the release of these prisoners, and he thought their conduct should not be forgotten with regard to the riotous proceedings which had occurred in various parts of the country in connection with the lectures given by Mr. Murphy. The hon. Member for West Cumberland (Mr. P. Wyndham) had stated very distinctly that he had no sympathy with the meetings held by Mr. Murphy, and he (Mr. S. Aytoun) begged to say that he expressed no opinion as to the propriety of holding them; but he thought at the time, in consequence of the accounts which he read in the newspapers, that riotous proceedings would be occasioned by the ill-will which Mr. Murphy's lectures would excite among the Roman Catholic population. At the same time, however, he thought it was the duty of the magistracy of this country to protect every British subject who was not violating the law, for if when any person was doing anything of which the authorities disapproved, those authorities, though not empowered to interfere with him, were to connive at and tacitly encourage attacks by a mob upon him, all safety for life and liberty in this country would be at an end. What were the circumstances antecedent to the Whitehaven riot? He believed Mr. Murphy attempted to hold a meeting in Manchester, but that in consequence of certain persons having deposed in an affidavit that such meeting would occasion a riot, that meeting was prohibited. Mr. Murphy then gave notice that he intended to hold a meeting in Tynemouth, he believed, which notice excited indignation among the Roman Catholics, the Irish population, navvies, and other persons in that part of the country. It appeared, in consequence, that the local authorities were very anxious to prevent that meeting being held, and a most extraordinary circumstance occurred. The walls of the town, he believed, were covered with a placard stating that a very old Act of Parliament would be put in force against Mr. Murphy and any of those who sympathized with him in holding the meeting or attending it. He (Mr. S. Aytoun) could not have believed that such a placard would have been put on the wall of any English town, and he

therefore asked the Home Secretary whether the Mayor of the town was acting within his powers in issuing such a placard, and the Home Secretary replied that he had authorized him to issue it. The Home Secretary further said he believed he had the power to do so. Now, he (Mr. S. Aytoun) found in the Library certain Acts which were passed, he believed, when Mr. Pitt was Prime Minister, and when great fears were entertained of the spread of Jacobin principles. Those Acts, which were entirely opposed to the principles of the Constitution of this country, were passed for the purpose of punishing any person holding a meeting, or even attending a meeting; and one of the most extraordinary things that had occurred in the history of this country was, that at the time when the Home Secretary gave authority to the Mayor to issue the before-mentioned proclamation, the Government had a Bill in this House for the purpose of repealing the statute under which the Home Secretary had given that authority. He was very anxious to hear the Home Secretary explain to the House the reasons for the course he had pursued. He believed the Home Secretary on a former occasion expressed very strongly his opinion on the conduct of Mr. Murphy. He (Mr. S. Aytoun) would not debate the question whether Mr. Murphy's conduct was right or not; but if the Government thought he ought not to hold these meetings, and the law was not sufficient, it was their duty to ask Parliament for an Act to suppress them, and not to have raked up an old Act like the one they had put in force. The course taken by the Government had had a most disastrous effect, and if the hon. Member persisted in dividing the House on what was really a censure of the Government, he should most cordially support him.

MR. O'REILLY - DEASE said, he hoped that the House would reflect calmly before it came to a decision, and remember that this man Murphy opposed in very violent language the religious opinions of a large section of the community, accusing them of idolatry, and making use of the most offensive expressions with extreme violence of manner, thus exciting the feelings of his hearers in the highest degree, and causing the riot which had occurred. It was to be remembered, however, that the more sincere were the religious con-

victions of those he assailed, the dearer they were to them, and the greater the hostility which would be created. The insults thrown out against them tried their patience beyond endurance, and they were undoubtedly guilty of riotous conduct, but, at the same time, the law had been vindicated and rioters punished, and he therefore hoped that the House of Commons would not pass a censure upon the right hon. Gentleman who had shown himself so competent to deal with questions of this nature, by attempting to interfere with his discretion when exercised on the side of mercy.

MR. BRUCE said, that his conduct upon the occasion of the Murphy riots had been the subject of discussion in that House, and he had no reason to complain of the result. He should, therefore, follow the example set by the hon. Member (Mr. P. Wyndham) in strictly adhering to the terms of the Motion. These terms had nothing whatever to do with the conduct of the Government with respect to Murphy; it was simply whether, in the exercise of the functions of the Home Secretary, he (Mr. Bruce) had acted judiciously. All he had to say was, that he had proceeded in this matter without reference to Murphy, or the consideration whether it was a religious question or not; and just as he would have proceeded, if it had been a riot of colliers or of any other persons. A Memorial had been presented to him by the hon. Member for Whitehaven (Mr. C. Bentinck), and when he put it in his (Mr. Bruce's) hands, he said it was signed by a number of gentlemen in Whitehaven who were fully cognizant of the circumstances. That Memorial was signed by seven magistrates, two of whom were clergymen of the Church of England, one of them being the rector of the principal church in Whitehaven, besides which it was pointed out that there was a number of other signatures of persons of the greatest weight and authority in the town of Whitehaven attached to the Memorial. The result was, that he had done what his hon. Friend the Member for West Cumberland had condemned, but which had been universally practised by every Home Secretary—namely, he forwarded the Memorial to the Judge who tried the case and passed the sentence. The case was not exactly as stated by his hon. Friend, who had led the

Mr. Sinclair Aytoun

House to believe that the riot had been an organized riot. The Judge was not of opinion that it had been an organized riot. On the 19th of April, Murphy proposed to deliver one of those lectures which had already involved so many of the towns of England in disturbance and bloodshed. A number of Irishmen collected to prevent the delivery of the lecture. On the next day they appeared again in still larger numbers, and the memorialists, among whom it should be remembered were seven magistrates and two clergymen, stated in their Memorial that these men were men of good character, and had not gone with any intention of committing violence. They were not armed, and they had gone for the purpose of expressing their opinion, it might be noisily. That was the view of the Judge as well as of the memorialists. Murphy presented himself at the door of the hall and appeared determined to prevent their entering. In consequence of that proceeding, their passions were roused; he was treated with great violence, and those injuries were inflicted which the hon. Member was right in saying had hastened his death. Twelve persons who had been taken into custody were identified and brought up before the magistrates. Seven of them were committed for trial, and the magistrates took the most unusual course of refusing to liberate them on bail. They remained in prison from 21st of April to July, or for about three months, after which time they were tried and sentenced—five of them to twelve months' imprisonment, and two of them to three months. At the end of their nine months' imprisonment, this Memorial was presented, and he forwarded it to the Lord Chief Baron, who tried the men. He received the following reply, which he had been especially authorized to read to the House. The Chief Baron said—

"I have very carefully considered the case of Dennis Doyle and others convicted at the Carlisle Summer Assizes of last year of a riot and assault upon the late Mr. Murphy. There was much provocation, and the prisoners had all borne irreproachable characters; and, though there was evidence that three or four of them took part personally in dragging about, and inflicting some degree of injury upon Murphy, it certainly did not appear that they had assisted in the attempt to throw him over the bannisters, from which he had received the severest hurts to which he had been subjected. Considering, upon the whole, that the religious feelings of the prisoners were put to a hard test, and may be said to have been outraged

by the perseverance of Mr. Murphy in publicly denouncing the observances and practices of Roman Catholics, and that the agitation caused by these contentions and conflicts has now subsided, I would venture to observe that Her Majesty might well be advised to remit the sentence pronounced as to the yet remaining portion of the term of imprisonment."

There was one other reason which the Chief Baron did not mention; but which he (Mr. Bruce) did not doubt had some weight in the re-consideration of the case by the learned Judge. It was one which was constantly acted upon—namely, that, although a sentence might be right and proper at a time of great excitement, when the law had been violated, yet that upon the return of peace and tranquillity, it might be wise to recommend a remission of the sentence. The same course had been taken not long since in the case of the Thorncliff rioters. A violent riot had occurred in which several persons had been injured. A long and heavy sentence had been passed; but after a portion of it had been undergone, an application was made to the Home Office from the masters, magistrates, &c., representing that it would conduce to the peace and good order of the district if the remainder of the sentence were remitted. The Judge concurred in this recommendation. He had inflicted a severe sentence; but when peace was restored, he was of opinion that the public interests would not be injured by the remission of the sentence. A similar feeling existed on the part of the Chief Baron. The memorialists stated, among other reasons for the remission of the sentence—that since the occurrence peace had prevailed, that the feelings of bitter animosity which had been excited had been allayed; and that, in their opinion, law and order had been sufficiently vindicated. It was the opinion, moreover, as he (Mr. Bruce) had been authorized to say, of the experienced Judge who had heard the whole of the evidence, that the prisoners did not come to the place for purposes of violence, but only with the intention of preventing Murphy from delivering his lecture, and that they were led into violence by accidental circumstances. What, then, was it the duty of the Home Secretary to do? He would have been acting in complete disregard to the principles upon which his predecessors in office and himself had always acted, if he set aside

the opinions of the Judge, and why? Simply to satisfy the religious feelings of certain hon. Members. It was no part of his duty to act with a view to those sentiments. He was there to administer the trust reposed in him for the maintenance of peace and good order, and he was satisfied that that had been done. Having acted in accordance with the opinion of the learned Judge who tried the case, and with the views of those who were most interested in the maintenance of peace and order in the district—magistrates, clergy, bankers, merchants—he would have subjected himself to the severest censure, and to the charge of having acted with partiality, if he had followed a different course. Without entering, therefore, into previous circumstances, he put it to the sense of justice and to the good feeling of the House to say whether that was a Motion which ought to be persisted in.

SIR WILFRID LAWSON said, he was very sorry that his right hon. Friend the Secretary of State for the Home Department, towards the conclusion of his remarks, had hinted that the Motion had been brought forward from motives of religious animosity. [Mr. BRUCE said that he had made no such statement.] However that might be, he must say that for his part, he (Sir Wilfrid Lawson) was very much obliged to his hon. Friend and Representative for having brought this matter under the attention of the House, and he thought his hon. Friend would have failed in his duty as a Member for West Cumberland, if he had not taken notice of the proceedings of the Home Office in this business, as the course taken by his right hon. Friend had been the subject of very unfavourable comments in the county. What were the facts? His hon. Friend opposite had stated them ably and most succinctly; and in dealing with that statement, he (Sir Wilfrid Lawson) altogether disputed the construction which the Home Secretary had endeavoured to put upon this outbreak. In his opinion, it could be proved that there was a preconcerted plan, and that the men who took part in the outrage marched into Whitehaven in hundreds, in regular battle array. He believed they were armed with sticks, and his hon. Friend said that fire-arms had been found on some of them. These men marched up

Mr. Bruce

to the hall where the lecture was to be delivered, set upon Mr. Murphy, beat him with sticks—he believed drew out knives—and left him half-dead upon the spot. He was not exaggerating, but he did not think anything much worse could be done. His right hon. Friend had appealed to what the Judge said. But surely what the Judge said on the trial, when the facts were fresh in his memory, and he was doing his duty as Judge was still more important. He had not a copy of the exact words used by the Judge on that occasion, but he took the following statement from a well-informed and respectable journal. The Chief Baron said, there was no doubt that there was a riot, and that the prisoners had taken part in it, and he could find no excuse for the riot and assault. When a verdict of guilty was returned, his language was equally emphatic. He dwelt upon the cowardice of the attack, the brutal nature of its incidents, and said that he found himself compelled, in vindication of the law and in the interests of peace, to pass a severe sentence. The paper went on to say—

“The words conveyed to each prisoner that the sentence was the least that the Judge felt himself justified in passing. So minutely did his Lordship go into the details, that he apportioned out the exact amount of punishment for each offender according to his guilt.”

His right hon. Friend had talked about the men not having been admitted to bail; but surely that was known to the Judge when he was passing sentence, as were, indeed, all the other features of this remarkable case which had been commented upon. The result was that the men had served the greater part of the sentence inflicted upon them, when up came this remarkable Memorial, upon which the Home Secretary had said that the Judge would rest his case, and the first argument in which was, that there was at the time when the Memorial was signed peace in the county. Well, probably there was, for the rioters were shut up; but the fact was there was not peace, for his hon. Friend the Member for Cockermouth (Mr. Fletcher) knew that for months past there had been smouldering religious feuds between one party and another, which was continually breaking out in riot and tumult. The second argument was that the particular riot in question was an exceptional circumstance. Yes, it was a case of an ex-

ceptionally brutal outrage. The third argument was that the men had previously been men of good character; but all that was brought forward in Court, and was known to the Judge. But what rendered the conduct of his right hon. Friend still more extraordinary was that on the recommendation of the Judge he remitted the sentence absolutely a few weeks after Mr. Murphy had died in consequence of the outrage, and in doing so, his right hon. Friend's defence was that he acted *ex officio* on the report of the Judge. But the public looked to the Home Secretary for a knowledge of the state of the county, and for acting with a sense of responsibility, and if the right hon. Gentleman had gone to those who knew the condition of the county, he would have received advice which would have led him to act in a very different manner, and which might have tended to induce him to avoid pursuing a course which tended to bring justice into contempt in this country. He (Sir Wilfrid Lawson) regretted very much the religious feuds and animosities which existed; he had no sympathy with any of the parties, and for the life of him he could not understand why men should do evil to one another for holding different beliefs; but they must look at facts as they existed, and when there were feuds it was for the Government to prevent them from doing harm. The course, however, which the right hon. Gentleman had taken would tend to make those men be looked upon as martyrs, for it would be said they were cruelly treated, that they had been sentenced to 12 months, but 10 months had been found sufficient. And not only would they be made martyrs but heroes, for their own party would say that they had triumphed over the other party, as he understood from his hon. Friend the victory had been celebrated by some other disturbances. The present, moreover, was not a time to let men of the kind out, for there had lately been symptoms of a great desire to interfere with the freedom of speech, as, for instance, the chief magistrate of Staleybridge not long since declared that the people who came to lecture in his town ought to be mobbed out of it. Then, a man at Bolton was killed some time since at a disturbance arising out of a public meeting; while in other places where lectures were delivered riots were

got up. He himself recently took part in a meeting to promote temperance, and they were attacked by drunken ruffians, and covered with flour as though they had been to the Derby. And now in this case, where there had been a ruffianly, dastardly attempt of the same description, the men guilty of it had been set free before their sentence had expired. In his opinion the course taken by his right hon. Friend in this matter had been most mischievous; and if the Motion were pressed to a division he should certainly vote for it. If not, the speech made by his hon. Friend (Mr. Percy Wyndham) would still do good service, for it would tend to prevent in the future a course calculated to foment strife, to encourage disorder, and weaken that respect for law which it should be the object of every Government to maintain.

MR. NEWDEGATE: Sir, it has been my misfortune to have to impugn the conduct of successive Home Secretaries in the exercise of the discretion which is intrusted to them for the remission of sentences; and in doing so, I was guided by no feeling of party, for, in the first instance, I had to impugn the conduct of the right hon. Gentleman the Member for the University of Oxford (Mr. G. Hardy) when he was Secretary of State for the Home Department. That right hon. Gentleman had commuted a capital sentence for a murder committed in Birmingham, against the remission of which I presented a Petition which was signed by 3,000 respectable inhabitants of that town and 10 magistrates. I had again to complain of the remission of a sentence in the case of a murder in my own county, and in my own neighbourhood, which remission was made by the right hon. Gentleman opposite the Secretary of State for the Home Department, who, by a strange perversion of the law, managed to commute the capital sentence into one of a year's imprisonment; but under what statute he assumed that power, I have never yet been able to discover. I am sorry to say that the right hon. Gentleman remitted a sentence for murder in the city of Coventry, and that almost immediately afterwards there was a case of manslaughter in the district; and although I do not mean to say that that crime is to be traced to the remission of the sentence, there certainly was a general

these men, he saw Dennis Doyle, and he heard Dennis Doyle say—this is his sworn evidence before the magistrates—“Don’t strike him now.” And why? Because Superintendent Little had reached the spot. And what was the other evidence? The right hon. Gentleman the Home Secretary says that Murphy had excited these men’s passions! Did they want to go into the hall to hear the lecture? No; the evidence is, that they dragged the man out of the hall, and trampled him almost to death in the street. How does that accord with the statement of the right hon. Gentleman? I have the whole of the evidence here which was given before the magistrates; but that I may not commit any mistake, I will read to the House that which was given by Superintendent Little on oath. This, then, is the evidence which was given by Superintendent Little before the magistrate as I find it reported in *The Whitehaven Herald* of April 29th, 1871. Superintendent Little says—

“I was on duty in the streets that night with Inspector Howard, Inspector Wood, and one or two more constables. 8 o’clock was the hour at which he was to give the lecture. I was in the street between 6 and 7 o’clock, and everything appeared very quiet and orderly at that time. Near about 7 o’clock—perhaps 10 minutes to—we observed a large number of men coming down Lowther Street. They were coming as you may have seen them coming from the train, all in a group or nearly so, and they came quietly down the street, passed the inspectors and myself, and went into the Oddfellows’ Hall quietly. After they had gone up, I spoke to one of the inspectors, and said—‘Can Mr. Murphy be in.’ He replied—‘No, I think it too soon; it is not yet 7 o’clock.’ However, after they had been in a minute or so, I said—‘He must be in, because he is checking them; they are coming back.’ Immediately we heard a yell, a cry out—‘They are murdering Murphy.’ We immediately repaired to the entrance door. At that time there was such a scene of confusion as I have not seen for some time. They were all in a crowd, and appeared as if they had got some person under their feet. When we got to the spot, I saw Mr. Murphy on the ground, face downwards, bleeding very much, and these parties round about him. As soon as I sprang in I raised my stick, and they fell back. I saw then that they seemed very much enraged, and that our only chance was to try to get Mr. Murphy taken safely back into the hall through the iron gate, and that we ought to lose no time in doing so. By that time the parties who were kicking him, rushed back into the crowd, some hundreds of people having collected round about. I thought that the man was killed outright. He was taken into the hall and carried upstairs, and I immediately sent for Dr. Lumb, who was not at home. Dr. Henry came in his stead, and, with the assistance of Dr. Horan, attended Mr. Murphy. He was very much cut about

the head. They laid him on a bench in the ante-room, and he was obliged to remain there all night. A bed was provided for him; but as he was in such a prostrate state the doctors did not consider it advisable to remove him until next day, when he was taken to his lodgings. I may state that at that time I did not attempt to take any of the parties into custody, because I knew if I had done so there would have been a serious breach of the peace. I have not the least doubt that some of the men might have been armed with fire-arms. On one of the prisoners taken last night—Dennis Doyle—this loaded revolver (produced) was found in his breast, also this dagger-knife, bullet-mould, and a box of caps.”

That was the first time that Dennis Doyle was seen after he was known to have taken part in the outrage upon Mr. Murphy; but I have further evidence than this. These men were all identified as having been engaged in trampling Murphy to death, and upon the pavement were found a broken stick, a poker, and several stones, and upon one of the stones was some hair which seemed to have come off Murphy’s head. Sir, I hesitate not to declare that there never was a more determined attempt at murder. True, the man did not die at the time; but that which the hon. Member for West Cumberland (Mr. Percy Wyndham) has most justly impugned is the discretion of the statesman, who, within five weeks or a month after this man’s funeral, at which a disposition to renewed outrages was manifested, remits a penalty of one year’s imprisonment inflicted on the only men who had been convicted fairly as participators in the outrage from the effects of which Mr. Murphy died. Let me again assure the House, in conclusion, that I bring forward the facts to which I have referred from no vindictive feeling or animosity towards the Home Secretary; but I do, in this instance as I have been compelled before, impugn his wisdom and discretion in the exercise of the prerogative of mercy, and do declare before this House my deliberate opinion that his conduct in this particular case has produced a most evil impression with regard to the administration of justice not only in Birmingham, but throughout the county generally.

MR. HOLT said, that if it were allowed that Murphy observed some want of judgment in his method of treating the subject upon which he lectured, it should not be forgotten that opposition usually arose in cases when he quoted extracts from Roman Catholic writers, the ac-

Mr. Newdegate

curacy of which had never been questioned. But however that might be, he (Mr. Holt) had yet to learn that when a man entered a hall to deliver a lecture—a hall that was engaged by himself, and which, though open to all persons, no one was compelled to enter—that he had committed an offence for which he should be punished. The right hon. Gentleman the Secretary of State for the Home Department had broadly asserted that no evidence existed of any conspiracy to injure Murphy; but he would call the right hon. Gentleman's attention to the evidence reported at the time—that Dennis Doyle, one of the prisoners, was heard to say the first thing that would be seen was "Murphy coming out from yonder top window." That was said before Murphy had entered the hall. It was likewise proved that there were wounds on Murphy's body which must have been given by a sharp-pointed instrument. And not only that, but the men were seen approaching in a body to the attack, and, generally, the evidence clearly showed a preconcerted intention to injure Murphy. The right hon. Gentleman had also said he had decided the case without reference to Murphy's death. That was precisely what was complained of. Usually sentences were remitted when circumstances came to light after the trial showing that those found guilty were less culpable than was supposed at the time; but in this case, subsequent events would have required the infliction of a more severe penalty if the sentence were interfered with at all. When the sentence was passed it was clear a brutal assault had been committed; but when the penalty was in part remitted, it was known that that brutal assault had resulted in the death of the victim. The intervention, therefore, of the right hon. Gentleman in that respect was both unjust and impolitic; for if the right hon. Gentleman had desired to show clemency there were scores of prisoners at present in gaol whose sentences were far more severe than those passed by the Chief Baron upon the assailants of Murphy, and which he might have remitted without fear of adverse criticism. Indeed, he believed that the policy of the right hon. Gentleman would lead the people to think that in the estimation of the Government killing is no murder—that if lawless men had a grudge against any person all they had to do

was to collect a mob, to create a riot, and kill him in concert. Then if any fatal result should happen, and the guilty parties should be convicted, an application to the Home Secretary would obtain the remittal of their sentences. He thought that the course which had been adopted was calculated to prevent freedom of speech and action, and for that reason he should most heartily support the Motion.

DR. BREWER said, he thought hon. Members ought not to depart from the Motion under consideration; and that if it invited the House to review the judgment of a Criminal Court, he should have been unable to take any part whatever in the discussion, but he did not think that was the subject brought before them. Although he agreed with his hon. Friend (Mr. Newdegate) that it was the duty of the Government to afford protection to all British subjects, yet it was, in his (Dr. Brewer's) opinion, equally the duty of all members of society so to exercise their judgment as to avoid calling down upon themselves the wrath and indignation of their fellow-men. In the present instance, the Home Secretary had followed the ordinary course. If, indeed, it could be shown that the right hon. Gentleman had travelled out of the ordinary course, or had been influenced by passion or by favour, he would undoubtedly have committed a very serious offence. It appeared to him, however, that the right hon. Gentleman had been influenced neither by passion nor favour, but that he had acted in the same way as he always did when the punishment of criminals was brought under his notice.

MR. MUNTZ said, that while unable to agree with all the remarks of his hon. Friend the Member for North Warwickshire (Mr. Newdegate), he could not but feel that this was a matter which called for serious consideration, because it involved the right of free discussion. He presumed his hon. Friend would be the last man to defend the noisy and obstreperous endeavours of Mr. Murphy to abuse the Roman Catholic religion and to annoy the believers in it; and he certainly must say that for himself (Mr. Muntz), while he was desirous of offering freedom of religion, he was not inclined to allow supremacy on one side or the other. Murphy travelled over the country delivering speeches which he neither

appreciated nor was inclined to tolerate; but it should be borne in mind that other persons made speeches at the same time which were never interfered with. What he complained of, in fact, and what the House could hardly have failed to notice was that, by a singular accident, no doubt, there had been a leniency and tolerance on the one side which had not been displayed on the other. Mr. Murphy, he admitted, was a great nuisance to the town he had the honour to represent, and to the neighbouring constituencies; but, still, he was a subject of the Crown, and had a right to protection during a free discussion. Some of Mr. Murphy's statements had reference to a work entitled *The Confessional Unmasked*. Now, he had had the misfortune to read that work, which was once published in *The Times*. It appeared there in Latin, or otherwise that paper would have been liable to an indictment for a disgusting exhibition. Since then it had been translated by Murphy into English, and he had read extracts from it, in indecorous language, all over the country. For his own part, he did not justify this for a moment; but the book, translated into plain English, was sold at the same time in the streets of London, and no attempt was made to punish the persons who sold it daily.

MR. BRUCE remarked that persons had been prosecuted and punished for selling the work. In fact, there was a man now undergoing imprisonment for this very offence.

MR. MUNTZ said, he was very glad to hear that such was the case. On many occasions persons had been interfered with for distributing lottery tickets; but there was a lottery in Dublin which sent round tickets every year, which many Members of that House received, but he never heard of any prosecution being instituted. He wanted to secure fair and equal play for all parties. Those men who attacked Mr. Murphy in such a brutal manner were certainly not deserving of clemency, and such persons should not only be punished, but their punishment should be carried out.

MR. HENLEY said, he thought it was a great blessing that the exercise of mercy was entrusted to a responsible Minister of the Crown, and not to the House of Commons. In his judgment, therefore, it was a very grave matter for the House to interfere in the way of

censure with any act done by that officer of the Crown; and, unless there was reason to believe there had been some corrupt motive, or great carelessness, or an amount of ignorance in the matter that would be clearly blameable, he, for one, would be very shy in taking part in so grave a matter as passing a Vote of Censure on the right hon. Gentleman's conduct. He could not see, for instance, that any blame attached to the right hon. Gentleman for taking the opinion of the Judge, for he did not believe the right hon. Gentleman took it with a view of shielding himself from any responsibility, but solely with an honest intention to ascertain in the best manner the facts on which the sentence was passed; indeed, he should be almost inclined to say that the right hon. Gentleman would have been blameable if he had not availed himself of every means in his power to obtain the real facts of the case. The right hon. Gentleman had, he might say, a dreadful office to execute in dispensing the mercy of the Crown, and in the present case he certainly could not concur in the proposed censure of his conduct.

Motion, by leave, *withdrawn*.

POLLING-PLACES (SCOTLAND).

MOTION FOR RETURNS.

MR. M'LAREN, in moving for an Address for Returns respecting Polling-Places in Scotland, said, he was surprised to find that it was the intention of the Government to oppose the Motion. He had always understood that it was the privilege of hon. Members of that House to be supplied with any useful information which might be obtained without incurring any very great expense; and in that view, the Return for which he had asked would only have occupied 30 lines, or half-a-sheet of paper, and it could not, therefore, lead to any great expense; while as to the use of the Return, he might state that when it was proposed by the Ballot Bill which had now left that House to exclude Scotch counties from the operation of the provision with respect to polling-places, he with other hon. Members objected, being satisfied that if the House could be made acquainted with the real facts as regarded the large area of Scotch counties, the small number of polling-places, and

Mr. Muntz

the almost insuperable difficulties which parties had to encounter in getting to them from great distances—even requiring steamboats sailing among islands—they would see that neither in England nor in Ireland was it so necessary to make an alteration in the law as it was in the Highland counties. However, the information which he had hoped to obtain in an official form he had obtained for himself in spite of the opposition of the Government, and he would inform the House of some of the results.

	Area.	Electors to 50 sq. m.	
Orkney and Shetland	1,545	1,500	50
Argyllshire ..	3,250	2,900	42
Inverness ..	4,200	1,600	20
Ross and Cromarty	3,100	1,500	25

Why, if that number of electors was thought too small, they might have increased the area; but as the Bill stood now, the House would hardly believe that in one of these three counties there was only one polling-place for 600 square miles; in another, a polling-place for every 700 square miles, and in the third a polling-place for nearly 800 square miles. Yet the House refused a proposal for the benefit of the electors of these Highland counties. Whether it might interfere with aristocratic arrangements, or displace the aristocratic power existing in these counties, was a question which he held they had nothing to do with. What they had to do with was the convenience of the electors. It was for that purpose that the Bill to which he had referred was brought into that House; but he held it was utterly impossible in some of these counties for any independent candidate to start, who did not come forward under the wing of great aristocratic landlords. If that sort of thing was to be put an end to in other parts of the country, he did not see why it should be retained in the Highland districts. The hon. Member concluded by moving the Address for Returns.

MR. CANDLISH seconded the Motion.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, praying Her Majesty that She will be graciously pleased to give directions that there be

laid before this House, a Return respecting the counties, divisions of counties, and combined counties in Scotland which severally return a Member to Parliament, showing, as far as can be given, the population of each, the area in square miles, the number of electors, the number of polling places at last election, the average number of electors to each polling place, the average number of square miles to each polling place, and the number of electors who at last election polled at each polling place, the two divisions of a county recently made for the purpose of returning a Member each for each division to be bracketed together and treated as an original county for the calculation of this Return, and the number of square miles in each county to be taken from the 'Edinburgh Almanac,' or any other authentic source,"—(Mr. McLaren,)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. CRAUFURD objected to the Motion because he was opposed to the practice of allowing hon. Members of the House to ask Departments of the State to occupy their time in gathering information which could be easily obtained in the Library. Why was the hon. Member for Edinburgh (Mr. McLaren) to encumber the clerks of the House, who had plenty to do already, by getting them to furnish him with Returns which were most expensive, and were in reality quite valueless? The real object of this Motion was to bolster up an argument which had already been unsuccessfully urged, having been defeated on a division by the majority of Scotch Members, who believed that the present system was sufficiently elastic to admit of what was really required being done. He hoped that the Government would not accede to the Motion.

MR. BRUCE thought that, as a rule, the Department over which he presided was rather open to censure, not for being too unwilling to grant Returns, but for the opposite fault of acceding to Motions of this character too readily. When Returns were moved for where the facts were not within official cognizance, but were contained in certain books of authority open to everybody—as in this case had been proved by the hon. Gentleman's own statement—he did not see the propriety of giving the Return. It was different where the information could be had only from the Department, and he should have no objection to give a Return of

the number of polling-places at the last Election, and the number of electors polled at each.

MR. CANDLISH thought this a very small matter to be refused by the Home Office. Thirty shillings would cover the whole expense, and the utility of the Return would be unquestionable.

SIR ROBERT ANSTRUTHER said, he was surprised to hear the Home Secretary refuse to supply a Return which was in itself reasonable, and would be attended with very trifling expense. As to the purpose for which the Return was to be used, it did not appear to him that was any business of the hon. and learned Member for Ayr (Mr. Craufurd).

MR. GORDON thought that the hon. Member for Edinburgh (Mr. M'Laren) was quite entitled to get the Return he asked for. It was quite clear that the printing of the Return would not cost more than £1 or £1 10s.; and there were various officers receiving salaries in the counties who could easily get up the information required.

THE LORD ADVOCATE said, that he would certainly not be a party to withhold any information from the House which was in the possession of the Government or in the possession of any public Department in the control of the Government. In such a case, he should be happy to afford any hon. Member such assistance as he could desire. But in this case the information sought was not in any respect within the control of the Government. He agreed that the purpose for which information might be required by the party asking it could not be considered a reason for withholding it. It was quite sufficient that the information sought should be of a character as to render it available for public purposes. His objection to this Return was that the hon. Member was not asking for information at all which was within the possession of the Government, or within the control of the Government. Everyone knew that although the hon. Member ostensibly asked for a Return in the ordinary form, he was really asking the Government to employ its officers in obtaining information from sources open to all—such as *The Edinburgh Almanac* and *Cyclopædias*—and to manipulate the information thus obtained into such a form as would suit his own views. Now that, he confessed, appeared to

him altogether objectionable in principle. To ask for papers or documents within the control of the Government was one thing; but it was quite another to ask the Government to find official clerks and other persons to extract information out of *The Edinburgh Almanac* and *The Cyclopædia*, and put it into a tabulated and printed form, in order that an hon. Member might have it in that form in his hand. No doubt if the information was to be gathered in that way the Return would not cost more than 20s. or 25s.; but the hon. Member could do that for himself, without putting the country to any expense; but if he wanted official information there must be a survey and an unknown expenditure. For these reasons, he must oppose the Motion.

Question put, and agreed to.

Main Question, "That Mr. Speaker do now leave the Chair," put, and agreed to.

SUPPLY—MISCELLANEOUS ESTIMATES.

SUPPLY—considered in Committee.

(In the Committee.)

(1.) £26,402, to complete the sum for the Department of the Secretary of State for the Colonies.

(2.) Motion made, and Question proposed,

"That a sum, not exceeding £26,397, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1873, for the Salaries and Expenses in the Department of Her Majesty's Most Honourable Privy Council, and Subordinate Department."

MR. BOWRING said, he wished to take occasion to call attention to the increase of the salary of the Registrar of the Privy Council from £1,300 to £1,500 a-year, which it appeared from a foot-note was only to be a temporary arrangement lasting for three years, a clerk being also appointed under him for the same limited period. Now, what he objected to was not so much the amount of the salary to be given to a highly deserving officer, as the novel principle involved in the mode of remuneration for a specified period to which he referred, and he should like to be told the reason for the course adopted. When the Board of Trade Estimates came on he should have to remark upon a similar case, where an appointment stated to be

Mr. Bruce

for 18 months only, and agreed to by Parliament on that understanding, had been forthwith converted into a permanent appointment.

MR. BAXTER said, the increase of salary had been granted by the Chancellor of the Exchequer in consequence of the recommendations of the Privy Council, founded upon any increase in the work to be done.

MR. SCLATER-BOOTH said, he should like to know why the period of three years had been fixed upon? Who could tell whether the extra duties for which the increase of salary was given, would come to an end at the expiration of that time?

MR. ASSHETON CROSS hoped, unless some more satisfactory explanation were furnished on the point, the Committee would decide against it.

THE CHANCELLOR OF THE EXCHEQUER pointed out that the reason why the salary was fixed for three years was, that the Judicial Committee of the Privy Council was at present in a transition state, and that it was also very much encumbered with appeals. It was expected that those appeals would be got rid of at the end of three years, and that there would then be some change. Under those circumstances, it had been deemed to be the best course to reserve the question as to what should be the permanent salary of some of the officers.

MR. LIDDELL remarked that the change referred to depended on the passing of a very important Act of Parliament, and contended that the mode of fixing the salaries of the officials adopted by the Government was not satisfactory.

MR. ASSHETON CROSS asked whether the Registrar was bound to devote the whole of his time to the duties of his office for £1,300 per annum? If he was, he could be given £200 a-year for part of his holiday being taken away.

MR. RYLANDS said, he must object to grants, amounting to £1,200 per annum, being given to the officials, as it seemed to him that some influential person was being very liberal at the public expense. He would move to reduce this portion of the Vote by £200.

Motion made, and Question proposed,

"That a sum, not exceeding £26,197, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day

of March 1873, for the Salaries and Expenses in the Department of Her Majesty's Most Honourable Privy Council, and Subordinate Department."—(*Mr. Rylands.*)

MR. CANDLISH hoped the Amendment of the hon. Member for Warrington would be withdrawn. He objected to the Vote of £1,950 for incidental expenses, and would move its reduction.

MR. W. E. FORSTER said, that in order to allay the alarm that existed last year of the danger of cholera visiting this country in the summer and autumn, it was found necessary to make provision in the event of its visiting this country. That course had been again followed, and it did not follow that because the money was voted it must be spent. It was to be hoped that the money would not be wanted.

MR. SCLATER-BOOTH thought the Estimates applied to the coming year, and not to the past.

MR. BAXTER said, the Estimate was for the current year. The Treasury had cut down the Vote, thinking the cholera was not so near as the Department imagined, but still it was only safe to take a Vote. With regard to the personal allowances, they had been adopted as an economical measure, for the Department had been reorganized, and instead of advancing the salaries, these personal allowances had been given.

MR. MITCHELL HENRY pointed out that such personal allowances were very common in all mercantile establishments.

MR. MUNTZ thought that few vessels coming from Russia went to Liverpool. Bristol and Cardiff were as likely to take the cholera as Liverpool.

MR. ALDERMAN LUSK said, there was no rule as to the resort of particular ships to particular ports. He had often taken exception on this Vote, but would not do so now, as the Department had taken a great deal of trouble, and incurred considerable expense, in order to satisfy the public in reference to the prevention of cholera.

MR. CANDLISH complained that the application of the money would be partial. It was to meet cases arising in London, Liverpool, and Cardiff; but in Hull, Newcastle, Sunderland, and other ports, there would be probably as much need for it as the places named. He, therefore, wished to know why, up to the present time, the money had been ex-

pended in so partial a manner, instead of being applied to all the ports at which danger might arise?

MR. D. DALRYMPLE denied that there had been any partial application of the funds, and strongly deprecated the mischievous and dangerous parsimony involved in the proposal of the hon. Member for Sunderland.

MR. M'LAREN objected to the proposal to make provision in the shape of personal allowances for three years in advance. Let Her Majesty's Government provide for the current year, and leave the future to be arranged for by the Government in office.

MR. F. S. POWELL said, that the conversation that had taken place was an illustration of the extreme inconvenience of placing under the Privy Council functions so entirely diverse as judicial functions, quarantine, and the veterinary department, and he expressed a hope that the time would come when the Privy Council duties would be confined to one department. He was surprised to find so large a Vote for quarantine, though he was aware that in some ports, especially Liverpool, great alarm appeared to prevail on the subject.

MR. BAXTER said, there was not the slightest intention of expending the money, unless it was absolutely necessary to do so. The necessity of taking the Vote arose from the fact that the Treasury had been warned by an authority that they dared not disregard that there was danger of cholera this year. If that were to be so, the Government had been greatly to blame for not having taken a Vote in anticipation with which to take the requisite precautions. The Treasury had power to alter the destination of the money, or any portion of it, according as the necessity arose.

MR. F. S. POWELL asked for an explanation of an item in the Vote for auxiliary scientific investigations concerning the causes and processes of disease.

MR. W. E. FORSTER said, it was true that the State interference in questions affecting the health of the country was by the Act of last year divided between the Local Government Board and the Privy Council; but it had been thought best, for the present year at least, to include in the Civil Service Estimates the Vote for scientific investi-

gations concerning the progress of diseases.

SIR CHARLES ADDERLEY said, he wished for some explanation with regard to the item for the Veterinary department of the Privy Council. Whenever a temporary emergency arose, the House was always ready to vote whatever money was required to meet it; but, unfortunately, when the temporary emergency passed away, there was a tendency to make the provision permanent. When Providence removed the cattle plague, Providence did not remove Mr. Williams with it, and relegate him to another office. It had been thought necessary to make provision for him where he was, and his department was rendered permanent for him in the Privy Council, there he remained till the present time, and would remain till eternity, unless the Committee did something in the matter. Mr. Williams had a salary of £1,000 per annum for presiding over this Veterinary department, and there was a large staff, with inspectors, clerks, and temporary clerks. It was true the foot-and-mouth disease, after the cattle plague disappeared, was prevalent in the country; but it did not require the perpetual interference of the Privy Council and the permanent establishment of a Veterinary department, besides great expenses in every county, in the way of inspection, connected with this department. The importation of diseased foreign cattle might be prevented by local officers at the ports. He therefore asked the Committee to consider whether it was necessary to maintain this central department; and he must state that if such a department was required, it seemed proper that subjects of this kind should be dealt with by the Local Government Board. He hoped the right hon. Gentleman would explain why this subject should be dealt with at all by the Privy Council Office; and, if so, why so large a staff of officers was permanently employed?

MR. W. E. FORSTER said, the only answer he could make to the first question was, that he found this department at the Privy Council Office when he went there; but he should be glad if it could be removed, for the change would relieve him from much work; although he supposed it would then fall upon some other Minister, so that little public advantage would result from the alteration. Pro-

Mr. Candlish

bably the department was originally placed at the Privy Council Office because the Orders in Council were there issued. The right hon. Gentleman was entirely mistaken in supposing that with the present Acts of Parliament, and the expectations of the country, the department could be conducted at smaller expense, because a great deal of hard work was done in the office, and the salaries were carefully examined. During the cattle plague the expenditure was enormously larger than at present; but at that time the country got frightened, and thought it necessary that cattle diseases should be guarded against in future. The duties of the department related to the carrying into effect of those views. There might be some doubt as to whether any trade should be interfered with; but Parliament having decided to interfere with the importation of food, its wishes could not be enforced without a central department, and that department had very grave and onerous duties to discharge. For instance, until the completion of the Deptford Cattle Market, a *cordon* had to be maintained around the City of London. It would not be sufficient to employ local officers, and Parliament had no justification for requiring a department to perform duties if it did not provide adequate means for the purpose. The House had passed an Act to check home diseases, and if the right hon. Gentleman thought it should be repealed, he ought to move to that effect. But the Act related not only to the foot-and-mouth disease, but to the fatal disease of pleuro-pneumonia. He was glad to say that the House had been pleased also to try to make better regulations for the transit of cattle, and Parliament could not refuse to pay clerks to apply these provisions. He believed the Office was managed economically, and that the clerks in it performed their duties as efficiently and received as little pay as the officials in any other department.

MR. WHITWELL asked for explanations respecting the personal allowances paid to individual officers.

MR. D. DALRYMPLE thought that without having veterinary inspectors and an organized staff, with competent authorities to decide whether animals were diseased or not, it was quite idle to pass such Acts of Parliament at all.

SIR CHARLES ADDERLEY thought that a more useless body than the inspectors of foot-and-mouth disease could not exist, and regarded the London superintendents as an equally useless body. A penalty on anyone caught driving diseased cattle on public roads, enforced by Justices, would be quite sufficient, and save every county great annual and useless expense.

MR. W. E. FORSTER submitted that it was impossible for the Government to constantly interfere with the cattle trade without they had the advice of some scientific persons, whose services they could not secure without they were adequately remunerated.

MR. ALDERMAN LUSK said, he would remind the right hon. Baronet that both sides of the House had forced the Government to take steps to prevent the importation of cattle disease, and that therefore they ought not to refuse now to pay the necessary expenses resulting from the course they had adopted.

COLONEL CORBETT supported the Vote, on the ground that it would be unwise to scrutinize too carefully the means that were adopted to prevent the importation of cattle disease into this country.

MR. ASSHETON CROSS asked, and repeated the question, whether the Registrar of the Privy Council, like a County Court Judge, undertook, on his appointment, to give his whole time to the duties of the office?

MR. LIDDELL said, he also thought it desirable to check the increase of the staff of the Department, but was willing to leave the matter to its discretion. There was, however, great danger in the accumulation of work on certain individuals. The Department ought to see that each individual had such an amount of work as he could perform properly, and not to give him more than he was able to do. The concentration of work on one individual, and asking him to do more than he was capable of doing, was a false economy.

MR. BAXTER said, no doubt the understanding was the Registrar was to give his whole time for the salary; but additional duties had since been imposed upon him, and that was a reason for increasing his pay.

MR. MONK said, the explanation of the Secretary to the Treasury was unsatisfactory, and he hoped the hon.

Member for Warrington would divide the Committee.

MR. SINCLAIR AYTOUN asked whether the Registrar had at first too little to do, or now had too much to do?

DR. BREWER said, there was not an officer in the metropolis whose salary was not raised with the increase of duty.

MR. D. DALRYMPLE said, with regard to the Registrar, he was quite certain that an official of equal efficiency could not be obtained without the payment of a large salary. It should also be borne in mind that considerable additions had been made to the work performed by this gentleman.

MR. ALDERMAN LUSK deprecated what looked like a personal attack on the Registrar.

MR. RYLANDS repudiated any intention to make a personal attack, and, while willing not to press the Amendment, would leave it to be disposed of by the Committee.

Question put.

The Committee *divided*:—Ayes 28; Noes 74: Majority 46.

Original Question put, and *agreed to*.

Resolutions to be reported upon *Monday* next;

Committee to sit again upon *Monday* next.

LOCOMOTIVES ON ROADS BILL.

On Motion of Mr. CAWLEY, Bill to consolidate and amend the Laws relating to the use of Locomotives on Turnpike and other Roads, *ordered to be brought in* by Mr. CAWLEY, Mr. HICK, and Mr. PENDER.

Bill *presented*, and read the first time. [Bill 180.]

TRAMWAYS (IRELAND) PROVISIONAL ORDER CONFIRMATION BILL.

On Motion of The Marquess of HARTINGTON, Bill to confirm a Provisional Order made by the Lord Lieutenant of Ireland in Council, under "The Tramways (Ireland) Act, 1860," extending the time for completing Tramways in the borough of Cork, *ordered to be brought in* by The Marquess of HARTINGTON and Mr. ATTORNEY GENERAL for IRELAND.

Bill *presented*, and read the first time. [Bill 181.]

House adjourned at a quarter before One o'clock till Monday next.

Mr. Monk

HOUSE OF LORDS,

Monday, 3rd June, 1872.

MINUTES.]—*Took the Oath*—The Earl of Belmore.

SELECT COMMITTEE—Landlord and Tenant (Ireland) Act, 1870, *appointed*.

PUBLIC BILLS—*First Reading*—Public Health (Scotland) Supplemental * (121); Gas and Water Orders Confirmation (No. 2) * (122).

Second Reading—Statute Law Revision * (107); Prisons (Ireland) * (108); Isle of Man Harbours * [83].

Select Committee—Gas and Water Orders Confirmation * [101], *nominated*.

Third Reading—Metropolis (Kilburn and Harrow) Roads * (94), and *passed*.

TREATY OF WASHINGTON.

TRIBUNAL OF ARBITRATION (GENEVA).

THE INDIRECT CLAIMS.

CORRESPONDENCE.

Further correspondence with the Government of Canada, and correspondence with the Governments of Prince Edward Island and Newfoundland, respecting the Treaty of Washington (in continuation of Paper presented May 1872): *Presented* (by command), and ordered to lie on the Table.

Draft of Article proposed by Her Majesty's Government to the Government of the United States, 10th May 1872: *Presented* (by command), and to be *printed*.—North America (No. 8., 1872.)

ARMY—BAND OF THE GRENADIER GUARDS.—QUESTION.

OBSERVATIONS.

THE MARQUESS OF HERTFORD rose to put a Question to the noble Marquess the Under Secretary of State for the War Department (the Marquess of Lansdowne). As the circumstance to which the Question related admitted of no delay, he had not been able to give the usual Notice; but he had written that morning to the noble Marquess, so that he might be in a position to inform their Lordships what he intended to do, and he had also thought it his duty to apprise His Royal Highness the Field Marshal Commanding-in-Chief of that intention. Their Lordships were probably aware that there were seven battalions of Guards, of which four were stationed in London. These had only three bands. Now, he was given to understand that on Thursday last the Adjutant General received orders from the War Office to cause one of the

bands to proceed to Liverpool to-morrow on duty, in order to embark next morning for the United States. The Adjutant General thereupon wrote to the Officer commanding the Home District, His Serene Highness Prince Edward of Saxe Weimar, directing him to send the band of the Grenadier Guards—one of the three bands to which he had referred—immediately to Liverpool. The order had been accordingly given, and the band was to embark on Wednesday morning at Liverpool, in order to proceed to Boston, to take part in what was called the "World's Peace Jubilee and International Musical Festival." He was further informed that an officer had been ordered to go out in the same ship to take charge of the band. He only hoped that this gallant officer had great experience, tact, and judgment, for he could not conceive a more delicate office than that which he would have to perform. He was also in a position to state that the bandmaster of the Grenadier Guards, Mr. Godfrey, had actually received £1,000 for the purpose of paying the passage money of the officer and men. Mr. Godfrey was also to receive at the rate of £600 per week while the party was out, and each bandsman would receive £40 when he came back. He was also told—but of this he had no means of judging—that, the band not being of sufficient strength, in order to bring it up to the proper number certain civilians were to go out as members of it, dressed in the band uniform of Her Majesty's Regiment of Grenadier Guards. Now, what power would the unfortunate officer have over this band? It seemed to him that this was one of the most singular proceedings ever taken. It was extraordinary in every way; for the order was given from the War Office—at least he believed so—without the previous sanction of Her Majesty, or of the Field Marshal Commanding-in-Chief, or of the Colonel commanding the regiment. He granted that the information on which he acted stated that the sanction of the Sovereign had been obtained subsequently; but his position was that such an order ought never to have been given by a Civilian War Minister without the previous sanction of Her Majesty. Most heartily did he, for one, regret that such an order had been given. If a civilian could order out one of Her Majesty's bands, equally well

might he send out one of the battalions of the Guards without any reference to the Queen's pleasure or comfort. He would not make any allusion to the instruments being the property of the officers, because some change had been made at the time of the Crimean War with which he was not exactly acquainted; but his impression was, that before that time they belonged to the officers. The Colonel, he believed, paid £150 or £200 a-year, and the officers supplemented that sum to a certain amount both for the purpose of providing instruments and band's clothing. That was a strong reason why the Secretary of War should have consulted the officers of the Regiment, through their Colonel, before giving the order. The Officers of the Guards were very much averse to the proceeding, and he believed it would give them the greatest satisfaction if it were countermanded; but, unfortunately, we lived in days when everyone gave way in everything, and nobody stood up for anything. In nine cases out of ten judgment was now allowed to go by default. He hoped it would not be so in this instance, but that a voice of indignation would be raised against this unheard-of outrage. This money which was to be paid to the band could not be paid by the United States Government; therefore, probably the request came at the instance of some advertiser—some Barnum—who, to have the pleasure of showing off the band of Her Majesty's Grenadier Guards, was willing to pay them out of his own pocket, at so much per head. He concluded by asking, If it was true that such an order had been issued by the Secretary of State for War before Her Majesty's sanction had been received, or without the consent of the Field Marshal Commanding-in-Chief, or that of the Colonel of the Regiment?

THE MARQUESS OF LANSDOWNE said, that if the statement with which the noble Marquess (the Marquess of Hertford) had prefaced his Question were accurate, he would concur with him as to the demoralization of the times; but he must give an emphatic denial to two or three of the allegations contained in that statement. It was quite true that in consequence of a request made through the Foreign Office, conveyed through the Secretary of the American Legation in London, permission had been given to the persons conducting the arrangements

for the forthcoming musical Festival at Boston to engage the band of the Grenadier Guards for the purpose of taking part in the musical arrangements. The correspondence on the subject had been entered into as long back as September last; but before any order was given for the bandmen to proceed to Liverpool the War Office had received the sanction of Her Majesty, obtained on the submission of His Royal Highness Commanding-in-Chief. The noble Marquess was mistaken in supposing that any civilians were to go in the band, and to be dressed in the uniform of the regiment. The men were to leave tomorrow; and it was true that they were to proceed to the United States in charge of an officer.

THE DUKE OF RICHMOND said, the answer of the noble Marquess (the Marquess of Lansdowne) was one of the most unsatisfactory statements he had ever heard;—and he had not answered two or three of the principal points made by his noble Friend who introduced the subject. He understood the noble Marquess to say that on the application of the Secretary of the American Legation, made through the Foreign Office in London, some persons were permitted to engage the band to go to America. To “engage”—that was his word—that meant that leave had been given to American speculators who were desirous of getting up a “World’s Peace Jubilee and International Musical Festival,” to enter into engagements with the band of one of Her Majesty’s Household Regiments. The noble Marquess did not deny that, and therefore it would be assumed to be the case. He wished to know whether persons had come from the United States of America wishing to enter into an arrangement with, and to engage the services of, the band, and were permitted to do so before the sanction of Her Majesty had been obtained? He took it from the statement of the noble Marquess that it was so, and he ventured to say that a more irregular proceeding never took place, and that a more irregular proceeding never was sanctioned by the Secretary of State for War. The most essential part of the Question had been left untouched, and that was how discipline was to be maintained when the band went to America; because bandmen were liable, like other people, to indulge in intoxicating liquors. Had the officer

The Marquess of Lansdowne

any instructions given to him to whom was he to apply when he went to America, and under whose orders was he to place himself? He (the Duke of Richmond) hoped not under the orders of the person getting up this “World’s Peace Jubilee and International Musical Festival.” If so, it was very derogatory for an officer of Her Majesty’s Army to be employed in connection with a musical *troupe*.

EARL GRANVILLE must say that the experience of the Government was not that judgment in their favour was allowed to go by default. He thought the noble Duke (the Duke of Richmond) had much exaggerated the facts of this case. The proceeding complained of was not one without precedent. He himself had before now joined with other “speculators” in inviting the military bands of foreign Governments to visit us, and he had never found the proceeding other than productive of good feeling. These bands came under the command of officers, had been cordially received, had behaved admirably, and their performance had given a great deal of pleasure to English audiences. He was informed that military bands of three or four of the greatest countries in Europe—including, he believed, bands from Austria, Russia, and Prussia, but he was not sure as to these particular nations—were going to this Musical Festival at Boston, on exactly the same terms as those on which the band of the Grenadier Guards would go over. He was informed also by a noble Friend behind him that the band of the 71st Regiment of the Line had gone to America before now, had been cordially received there, and had in no way misconducted themselves. He must say that he did not think this was a moment for the House of Lords to show any grudging ill-will towards a country with which we might at present have some difference, but in relation to which we were desirous of standing on the best and most friendly footing.

LORD DE ROS thought that on grounds of discipline the arrangement to which the War Office had given its sanction ought not to have been made.

THE MARQUESS OF LANSDOWNE observed that all the objections made to the permission given to the band to go to Boston would apply to any removal of a band from the regiment to which it belonged.

TREATY OF WASHINGTON.
 TRIBUNAL OF ARBITRATION (GENEVA).
 THE INDIRECT CLAIMS.
 THE SUPPLEMENTAL ARTICLE.

OBSERVATIONS.

EARL GRANVILLE: My Lords, although the time is past for reading the Orders of the Day, I am sure your Lordships will excuse me if I say something with reference to a conversation which took place at our last meeting with regard to the negotiations between this country and the United States. At that time I certainly was in the hope—or possibly under the apprehension—that I should be in a position to give your Lordships a final statement on the subject either to-night or in the beginning of the week. My Lords, this is not the case. Communications are still continuing. We have arrived at no final result; and the only fact of any importance I can give to your Lordships is one of which I believe your Lordships are already aware—namely, that Sir Edward Thornton has informed us that Congress has postponed its adjournment to this day week. Without knowing the reasons, I think we have a right to infer that this evinces a desire to remove obstacles to some possible arrangement. As to that possible arrangement I can give your Lordships no assurance whatever. In this position of affairs my lips are as much sealed as they were the other day, except as to some misapprehensions which evidently were in the minds of some of your Lordships on Friday last; and I have obtained the sanction of my Colleagues to make an explanation in regard to those points which do not involve in any way and will not complicate the negotiations now going on. I understood the noble Earl on the cross-benches (Earl Grey) to state that the declaration I made just before the Whitsuntide Recess had allayed the anxiety of the public.

EARL GREY: No—I referred to the speech of my noble Friend on the Address.

EARL GRANVILLE: I certainly misunderstood my noble Friend. I may be allowed to state publicly what I have already said to him in private, that I was hardly ever more gratified than I was by a short letter which I received from the noble Earl at the Table (Earl Russell) after the Supplementary Article

had been published, couched in terms of his old and usual kindness to me, and expressing his satisfaction at what had been done. It appears that since that time certain things have happened which some of your Lordships think have tended to weaken what confidence you might have had in the course which the Government would take. These facts were of a different character. One was the publication of certain Papers which we had refused to the House, and which, though of a confidential character, were published in the United States. I can say for myself that, for obvious reasons, no one regretted more than I did the publication of those Papers; but in regard to it I heard afterwards that some of your Lordships believed that publication to be an act of the United States Government. Now, Sir Edward Thornton had informed me that those Papers were obtained surreptitiously by one of the New York newspapers; and the United States Minister, General Schenck, has since informed me that he believed they were not published with the privity or sanction of the President, the Senate, or the Secretary of State, but that the publication was due to the “enterprise”—he prefers to use no stronger term—of the proprietor or editor of a New York paper. Another point was that by that publication your Lordships were made aware of the Article which Her Majesty’s Government had stated their willingness to adopt. Some of your Lordships thought the Article was weak in itself, and you were much alarmed lest it had been further modified and weakened by the United States Government; and you felt some apprehension that Her Majesty’s Government would make some compromise, and would yield to an Article of a less sufficient character. Now, with regard to that Article, the noble and learned Lord behind me (Lord Westbury), in some observations which I am sure your Lordships will not have forgotten, advised me to consult our professional Advisers on questions connected with it. My Lords, we were in full possession of the opinion of our professional Advisers; but I thought out of abundant caution I would submit exactly the words of the noble and learned Lord to the Law Officers; and I can only state that the opinion of the Attorney General, the Solicitor General, and Dr. Deane, entirely concurred in not only by my noble and learned Friend on the Wool-

sack but by Sir Roundell Palmer, our counsel in the case, is entirely satisfactory to Her Majesty's Government.

LORD CAIRNS: What is satisfactory to the Government?

EARL GRANVILLE: Their opinion. Then with regard to Her Majesty's Government being in danger of agreeing to some compromise that would further weaken the Supplementary Article, the public is under a misapprehension as to that part of the case. With regard to the operative part of the Article, so far as it has to do with the Indirect Claims, the American Government have not in the slightest degree proposed or endeavoured to modify that operative clause, and we have no reason to believe there is any difference of opinion between that Government and our own on that point. The noble and learned Lord opposite (Lord Cairns) observed with regard to the correspondence which has been surreptitiously published—and I am not surprised at his being struck with the circumstance—that there are passages in that correspondence which show that Mr. Fish maintains the existence of the Indirect Claims before the Tribunal. Though it is not quite regular, I will ask your Lordships to read a record which I have made, and which I have shown to General Schenck, and which has been approved by him, of a conversation I had with him in consequence of what was thrown out by the noble and learned Lord—

"I have spoken to General Schenck as to the annoyance which has been felt in and out of Parliament at the publication in the United States of the papers submitted to the Senate in their Secret Session.

"I told him that, for obvious reasons, I much regretted it, but that I believed that it was no act of the Government of the United States.

"Sir E. Thornton had informed me that these papers had been surreptitiously obtained.

"General Schenck told me that he believed that the Government of the United States had not, through any of its Departments—the President, the Senate, or the Secretary of State—been a party to the publication of that correspondence. It appeared to have got out surreptitiously through the enterprise (if it may be called by so innocent a name) of the newspapers.

"I have also spoken to General Schenck, and alluded to the unfavourable impression which has been created by certain passages in that correspondence, wherein Mr. Fish declares the determination of the President to maintain the Indirect Claims before the Tribunal of Geneva. I told General Schenck that from the various conversations which I have held with him, and from his written communications, I have been led to

Earl Granville

believe that the position of the United States was this:—

"The President held that the Indirect Claims were admissible under the Treaty; that the Treaty was made and ratified in that sense; and that, therefore, although he might by interchange of notes or otherwise agree not to press for compensation for those claims, yet, as being within the scope of the Treaty, it was not in his power to withdraw them—that could only be done by the exercise of the full Treaty-making Power, including the concurrence of the Senate; that it was for this purpose that the President preferred, instead of an interchange of notes, that Her Majesty's Government should adopt a Supplementary Article, which for some sufficient consideration might enable the Government of the United States to declare that they would make no claim for such losses, and that the Arbitrators would thereby be prevented from entertaining these Indirect Claims.

"General Schenck informed me that he agreed with me in my construction of what had passed, and I have submitted to him this report of our conversation."

I trust, as far as that goes, my explanation may be satisfactory to your Lordships. The point of difference which now exists between the two Governments is not with regard to the operative clause of this Supplementary Article, but with regard to the exact extent of the engagement by which both parties bind themselves for the future. That being the point of difference, I do not know whether we shall come to an understanding or not; but I see no reason why we should not. I am aware there are some difficulties at this moment as to the forms of procedure; but I am advised that, supposing we come to a substantial agreement on the subject, those difficulties may be overcome. With regard to the declaration with which I certainly understood my noble Friend (Earl Grey), for once in his life, to be satisfied, what I have to say is that Her Majesty's Government from the very first day we met determined it was impossible that these Indirect Claims should be submitted for arbitration. I adhere to that declaration, and I am willing to repeat it in any form your Lordships may desire.

EARL RUSSELL: My Lords, with regard to the Notice which I put on the Paper for to-morrow—namely, that an Address be presented to Her Majesty praying Her Majesty to give instructions that all proceedings on behalf of Her Majesty before the Arbitrators be suspended till the Indirect Claims have been withdrawn—I must say it appears to me that we have come to a stage in these discussions when it is necessary

that the words used should not only be enough to satisfy the Law Officers, whether on this or the other side of the Atlantic, but should be clear and open to but one interpretation. It is with that impression on my mind I must say that, though I was originally satisfied with what I saw in the papers as to the terms of the Supplemental Article, yet I found afterwards by the correspondence published in the *The New York Herald* that I had misunderstood that Article—that it could be taken in a different sense from that which I at first supposed it to bear, and that it would not be satisfactory in the way in which it was understood. I was also convinced by those letters addressed by the Secretary of State for the United States to the Minister of his Government in London that there were ways of evading the apparent sense of that Article. Any one of the Arbitrators might say—"There are on the table certain Indirect Claims, of which the Arbitrators are in possession, and of which they have been declared to be in possession by the accredited organ of the United States Government, and it is necessary we should take those Claims into consideration, together with all that is contained in the Case of the United States." This is a danger so great that it appears to me nothing but an explicit declaration that those Claims are withdrawn can be satisfactory. It appears to me that if the proposal of my noble Friend can be adopted by Treaty, there is no reason why a new Treaty should not be framed; and in that Treaty it should be expressly provided that none of these Indirect Claims, which are sufficiently defined by Mr. Fish and my noble Friend, should be produced before the Arbitrators. Having this impression on my mind, I shall certainly proceed with my Motion to-morrow and take the sense of the House on it.

EARL GRANVILLE: I wish to ask my noble Friend whether he will proceed with the Motion which he placed on the Paper before the Recess, or one for Correspondence, of which he gave me Notice by letter this afternoon?

EARL RUSSELL: I shall proceed with the Motion which I placed on the Paper before the Recess.

LORD CAIRNS: My Lords, I cannot help thinking that the course taken by Her Majesty's Government on this very important question is somewhat unusual

and very inconvenient. Up to the present time the language held by the noble Earl opposite has been this—he has deprecated in the strongest way any discussion on the subject of the negotiations between Her Majesty's Government and the Government of the United States; he has deprecated any reference to the points in dispute, and, indeed, to any specification of what the points in dispute were. Nay, more—on Friday evening, when the noble Earl was requested to lay on the Table the text of the Supplemental Article which he had proposed to the United States Government, he declined to do so, although—if I am not misinformed—the ordinary sources of information—the journals of the metropolis, one or more of them, had received copies of that Article, and had stated that they had received them from the Foreign Office. It seems strange, if that be so, that your Lordships should not be allowed to have on your Table the text of the Supplemental Article which had been so dealt with. But a further move has been made this evening. The noble Earl (Earl Granville) comes down to your Lordships' House, and no doubt anxious to give every information in his power, he has gone beyond anything he did up to this time. He has not only referred to the Supplemental Article, but he has stated the points of difference in respect to it, and has endeavoured to calm your Lordships' apprehensions by the statement that the Law Officers of the Crown have given an Opinion which is perfectly satisfactory to Her Majesty's Government. I am at a loss to conceive what was satisfactory. I asked him whether it was the Opinion? and he said it was. I have no doubt the Opinion is satisfactory to the Government. What, however, we want to know is, not whether the Opinion of the Law Officers is satisfactory to Her Majesty's Government, but whether the terms of the Article under negotiation are satisfactory to the people of this country. Then the noble Earl goes further. He reads an extract from a despatch recounting the statements made in a conversation between him and General Shenck—statements which relate to the construction of a document which the noble Earl will not allow us to see. That being the state of things, I think the time is come when we should no longer hear comments made by the noble Earl on his

view of what the Article is, but when we should be free to look for ourselves and express for ourselves our view on the propriety and expediency of that Article. I, for one, do not scruple to say that I look on the Article in the form proposed as so unsatisfactory and so pregnant with elements of danger, and so inconvenient in the future, that a source to me of the greatest alarm is the probability of that Article being adopted in the form proposed by the noble Earl. The sooner we discuss that question the better; and I rejoice that the noble Earl (Earl Russell), by persevering with his Motion to-morrow night, will give us an opportunity of expressing freely and openly what is our opinion of the Article. That must be decided, not by statements as to what the Opinion of the Law Officers is, but by the common sense construction to be put on such English words as occur in the Article—for all the words in it are not English—and therefore I rejoice at the opportunity which the noble Earl will afford us.

LORD WESTBURY: I want to point out a misapprehension on the part of the noble Earl (Earl Granville). I do not want the Opinion of the Law Officers; but I should like to see the Case. I will not stop now to point out how entirely the noble Earl—from my fault, no doubt—has misapprehended the difficulties which presented themselves to my mind; but, as he now seems to be desirous of sheltering himself under the Law Officers, I should like to have an opportunity of seeing how far the shield is likely to be an effectual protection. I do not want to see the Opinion, I want to see the Case.

EARL GRANVILLE: My Lords, the noble and learned Lord opposite (Lord Cairns) says there is something unusual in the course I have taken; but I do not think I am at all to blame in the matter. Your Lordships will see that I am placed in great difficulty. I doubt whether in any foreign affair, or in any great international question, any Minister was ever more cross-examined than I have been in this, notwithstanding my statements that in the opinion of Her Majesty's Government it was impossible to give the explanations required. I say this while acknowledging that the general forbearance of the House has been remarkable. I think—if as a layman I may be allowed to say so—there is the greatest inconve-

Lord Cairns

nience during diplomatic negotiations in the utterance of extra-judicial opinions by noble and learned Lords of great weight, and which opinions neither the people of this country or the people of America understand to be very different from judgments given in a different way. In the speech of the noble and learned Lord opposite (Lord Cairns)—his speech of last year, which augmented his fame to a considerable degree—he gave an opinion as to the construction of a particular Article in the Treaty; but I beg to remind your Lordships of the circumstance of the case. After a challenge by the noble Earl, I stated what was my view of the construction of the Treaty. I think that statement, coming from the Minister of the Crown who was responsible for the Treaty just concluded, was one of considerable weight and authority. I went on, yielding to the temptation to which we all too often yield, and made a sort of *ad hominem* attack on the noble Earl opposite, the late Secretary for Foreign Affairs. I said his Treaty did not exclude the Indirect Claims. What happened then? The noble and learned Lord got up and said he entirely agreed with me.

LORD CAIRNS: No, no.

EARL GRANVILLE: The report may be wrong. If I am not mistaken, I stated that the Stanley-Johnson Treaty did not exclude those Claims, but ours did. Thereupon the noble and learned Lord said that ours did not exclude them any more than than the Stanley-Johnson Treaty. I believe we were both wrong. But if the Stanley-Johnson Treaty did exclude them, it was no depreciation of our Treaty to say that it did not exclude them more than the former Treaty had. But if he meant that he condemned them both alike, when the noble and learned Lord says that we seek to shelter ourselves under the professional advice of the Law Officers, I do not consider it a reproach when we avail ourselves of the advice of the professional advisers of the Crown. I must repeat that those extra-judicial opinions appear to me to be of no value, and should not be expressed when they can lead to no practical result. If the noble and learned Lord (Lord Westbury) wishes to bring forward his opinions in the shape of a deliberate Vote of Censure let him do so. Her Majesty's Government must deal with that in the best way they can.

NAVY—STEAM AND COAL—ADMIRALTY ORDERS.

MOTION FOR A PAPER.

Return respecting (laid before the House on the 7th of May last): To be printed. (No. 120.)

THE EARL OF LAUDERDALE, in moving for Copy of the revised Orders from the Admiralty to admirals and captains relative to the use of steam and consumption of coal in the Navy, said, that while he did not go the length to which Lord Clarence Paget went in his pamphlet on the subject, he believed the restriction of the use of coal in Her Majesty's ships had been attended with injurious consequences. Under the regulations which have been in force for some years, steam was never allowed to be used if it possibly could be avoided. Now, he (the Earl of Lauderdale) wanted to know how a captain could be up to managing his ship in action under steam if he was never allowed to practice; besides, if he did get up steam he was only allowed to go at five knots. Steam at low speed was easily managed, but steam at full power required the greatest attention and care, and would always be required in action; and he repeated that, without practice, the consequences would lead to disaster, as neither captain, engineers, nor stokers, would be up to their work. The noble Earl opposite (the Earl of Camperdown) had been kind enough to produce certain Papers on the subject, but they did not contain all the information he sought for, and he therefore begged to move for Copies of all Orders issued on the subject from 1865 up to the present time.

Moved that there be laid before this House, Copy of the revised Orders from the Admiralty to admirals and captains of Her Majesty's ships relative to the use of steam and the consumption of coal.—(*The Earl of Lauderdale.*)

THE EARL OF CAMPERDOWN said, he believed the Papers he had already laid upon the Table contained an exhaustive statement of the Orders and Circulars issued from the Admiralty with reference to the consumption of coal in the Navy, and he did not think he could produce any further information; but he would make inquiry, and if there were any other Papers he was quite willing to supply them. With regard to the pamphlet of the noble and gallant Admiral

(Lord Clarence Paget) which the noble Earl had quoted he did not think the cases it cited bore out the inference drawn—namely, that the Admiralty paid more attention to economy than to the proper management and safety of Her Majesty's ships. The reports concerning the various ships mentioned showed, with reference to the *Captain*, a strong probability that she had her steam up when the catastrophe occurred. In his report, Admiral Sir A. Milne said—"I directed Captain Burgoyne to get his funnel up, steam ready, and to connect his screws." Again, the Admiral said that after leaving the ship he made signal to get steam ready to keep station if required. Chief Gunner Hay said—"Steam was up, but I do not know whether the screw was revolving." So much as to the *Captain*. Now, as to the *Agin-court*—at the time she ran on the Pearl Rock the Admiral's order was that the ships were to have steam up sufficient to steam six knots if required. With respect to the *Lord Clyde*, in the night orders it was directed that the after-boilers should be kept banked and the foremost boilers should be ready for use with 10 minutes' notice. She was under steam even during the night, and could have been under steam according to her orders in 10 minutes at any time. Then as to the *Defence*. She ran ashore owing to an accidental mistake in the transmission of a message from the engineer to the captain, in consequence of which the ship's cable was shipped before steam was up in her boiler, and she was unable with two boilers only to make head against a heavy sea. With regard to the *Royal Albert*, she grounded through a mistake that was made as to the latitude. That mistake was not shared by her consort, the *Danae*, which consequently escaped; and the captain of the *Royal Albert*, Captain Nicholson, himself admitted that he would have increased his steam if he had seen sufficient reason for so doing. If this had been the first time economy in the consumption of coal had been enjoined he could have understood the objection raised by the noble Earl; but the fact was that from the very earliest employment of coal and from the invention of steam the necessity of economy in the consumption of coal had been generally recognized, and by no one more than by the noble and gallant Admiral whose

name the noble Earl had quoted (Lord Clarence Paget). That necessity was recognized in the Circulars which bore that noble and gallant Admiral's name, and in the Queen's Regulations and Instructions from 1861 down to the present time. He believed with the noble Earl that it was absolutely necessary that a discretion upon this subject should be vested in the officer under whose control the vessel was placed; and the noble Earl would find that, not only was this discretion reserved in all the Circulars and Instructions referring to this matter, but that it was also alluded to in express terms in the very Circular to which the noble Earl had alluded. Observations had at various times been made by officers upon the paragraphs of these Circulars, and some recommendations had been made as to certain changes which it was stated would, if adopted, tend to the more economical and efficient use of coal in the service; and if the noble Earl would look at the heading of the last Circular he would find that it was owing to these reasons that the restrictions formerly imposed had been considerably modified, and that more latitude had been left to the officers in certain cases with regard to the employment of steam. He would undertake to make inquiries as to any other Orders on this subject which might have been issued from the Admiralty, but he believed that there were none in existence beyond those which had been laid upon the Table of their Lordships' House.

THE EARL OF LAUDERDALE said, that he had not the slightest doubt from the evidence that the *Agincourt* was carried on shore in consequence of not going at a sufficient speed to resist the force of the current, and that the accident would not have occurred had that vessel, instead of going at six knots an hour, been going at a greater speed.

THE EARL OF CAMPERDOWN observed that the speed of the *Agincourt* depended, not upon any orders from the Admiralty, but on the speed of, and on orders received from, the flag-ship. She had orders to have steam sufficient for six knots, but at the time of the accident she was only going at the rate of three.

Motion (by leave of the House) *withdrawn*.

The Earl of Camperdown

LANDLORD AND TENANT (IRELAND) ACT, 1870.

MOTION FOR A SELECT COMMITTEE.

VISCOUNT LIFFORD, in moving for a Select Committee to inquire into the working of the Landlord and Tenant (Ireland) Act, 1870, said, that he had every reason to ask for their Lordships' indulgence, because, while on the one hand he should have to refer to some trying details, he should on the other hand have to state some circumstances so extraordinary to English ears that he should probably be told—as he had been told out-of-doors—that there was a screw loose somewhere, and that there must be some mistake about the matter. He might also be told that the cases to which he was about to refer were still pending; but, in reply to that objection, he could only say that if they waited until no case was pending, they would never enter into the matter at all. He might also be told that there must necessarily be some difficulty in working the Act at first; but he should be able to show that there were good reasons for bringing forward the subject at the present time. The point to which he proposed to address himself was the absolute necessity of uniformity in the decisions given under the Act, so that they might learn in Ireland what they had lost as landlords and what they had gained as tenants. In doing that he had not the slightest intention of attacking the principle of the Act. It was an accomplished fact, and they must make the best of it, although he believed it was opposed to the principles of political economy. Nor had he the slightest intention of attacking the persons by whom its provisions were administered, and still less of attacking the Irish Judges. Their Lordships would, no doubt, remember that in the Act a wide distinction was drawn between the case of Ulster and the rest of Ireland. In the rest of Ireland the amount of compensation for disturbance was limited to £250; in Ulster there was no limit whatever. He had at first believed that tenant-right arose from the circumstance that the tenant had for a long time done everything for the farm; but, on inquiry, he found that in large districts in Ulster in the course of the last century houses were built, lands drained, and fences made, such as they were, by the tenant,

who in consideration of this work received a lease for, probably, 70 or 80 years. He, consequently, at last came to the conclusion that tenant-right in Ulster merely implied the difference between the proper rent which the landlord might have asked and the real rent which the tenant paid; and in that view he was supported by Mr. Senin, the able Poor Law Commissioner. The administration of the provisions of the Land Act in regard to tenant-right, was confided to certain gentlemen called in that Act "Judges of the Civil Bill Court," whose position was similar to that of the County Court Judges in England. It was a singular circumstance, however, that in Ireland the least efficient Chairmen were appointed to the most important counties, because in a large county the Barrister who took the chairmanship could not practise on his own account. He would not say one word against these gentlemen, for he did not wish to assume that any one of them had ever intentionally given a wrong judgment. Having looked at the tribunal, let them see what these Judges had to administer. It would be invidious to say that any man was the ablest of his class, but every noble Lord of those he addressed would admit with regard to Mr. Butt that his tendencies were essentially popular, and that he would desire to uphold the Land Act in every way. Mr. Butt had written a work characterized by great learning and the deepest research on the subject of the Land Laws in Ireland, in which, as a general rule, he expressed approval of the Land Act, but in which there occasionally peeped out an expression of actual contempt for the enactment in question as being one which placed immense difficulty in the way of the Judges of the Civil Bill Courts who had to administer it, particularly with regard to the compensation for improvements to be paid to out-going tenants. No Act of Parliament had ever been passed; the alterations to be effected by whose provisions depended so much upon the mode in which it was administered; and to many, at all events, it was a matter of regret that the power was committed to a number of co-ordinate tribunals, instead of to one tribunal, by which general principles might be laid down, and a certain uniformity of decision secured. But while a large discretion was given

to the Judges, very little assistance was afforded to them in order to guide their discretion in accordance with the general principles of law. Such being the difficulties of this dangerous and uncertain Act, its administration was intrusted to the tribunals to which he had alluded. In England, questions relating to property such as were involved in the Land Act could be taken from Court to Court, until they were finally settled by the highest tribunal; but in Ireland the questions were left to be settled by a single Judge, who could grant an appeal from his own decisions if he chose, and not otherwise. Such being the case, some of the decisions arrived at were of a startling character. He would call their Lordships' attention to a few which seemed to him, to say the least, curious. In the early part of the Session he had directed attention to a case which had occurred in the county of Antrim. Here was another. Within half-a-mile of the borough bounds of Waterford there was an estate which for many years had been used as a gentleman's domain, but for which the Assistant Barrister granted compensation because it had once been occupied as a farm. In another case a landlord, acting upon the wish of his late tenant, granted a lease of the farm to the second instead of the eldest son, who thereupon claimed and obtained at the hands of the Barrister compensation from the landlord for disturbance. In yet another case the Barrister, contrary to the spirit, if not to the letter of the Act, decided the case on the evidence of witnesses who were practically a jury called, not by the Sheriff, but by the plaintiff, and who decided not on the matter of fact, but as to the amount of compensation in a case that might any day be their own. The farm was originally let at £53 10s. 9d.; last year it was valued under the Ordnance Survey at £151, and the tenant claimed £2,000 as compensation when deprived of the farm. The Barrister, with the assistance of the jury of tenants, awarded £1,400, and, addressing the witnesses, the Chairman said—

"This is the first time I have had the pleasure of meeting the fine, independent, seaside farmers of the county of Down, who have come forward so nobly to give their testimony in this case, utterly irrespective of the odium they will incur from both landlord and agent."

This was followed by shouts of applause

and clapping of hands, which were not repressed. In the county of Tyrone a Judge of the Civil Bill Court used this remarkable expression—"I always think I am bound to interpret on the friendly side of the tenant." He did not know which to admire most in this passage, its orthography or its morality. On one estate two of this gentleman's decisions—both of course in favour of the tenant—were reversed. The third case, which was the most extraordinary of all, occurred in the county of Donegal, where a landlord who desired to make a new road over his land found it necessary to evict one of his tenants. The tenant threatened to shoot the bailiff, and the consequence was that he was dispossessed. The man made a very large claim, and went before the Judge of the Civil Bill Court, who gave him very nearly 42 years' purchase of the rent of the land, although the fee simple of land in that county was only worth 21 years' purchase—so that the landlord was obliged to buy back the land at double the value. The result of this decision was extremely curious, for the landlord had better have written—"Take the farm in fee simple for evermore, and do not apply to me to pay you double its value." [*A laugh.*] The news of decisions of this kind flew like wildfire through the county of Donegal, and it was spread abroad that everybody who quarrelled with his landlord could get double the value of the land he occupied. Laughable as such an idea might appear, it had a very serious effect. Their Lordships were doubtless aware that in Ireland turbary was a very valuable possession, being a property above ground very like what a coal mine was below ground. Well, throughout the county of Donegal there had been a general seizure of this and other landlords' rights. A neighbour of his possessed some very valuable moor land, and he annually let to Englishmen for a considerable sum the right of shooting over a portion of it. Recently the tenants wrote him a letter saying that the game was now their property and not his; but that, in consideration of his kindness as a landlord and his uprightness as a magistrate, they would give him a day's shooting occasionally if he asked for it. Indeed, in the present state of the law two codes of Land Law were growing up—one administered by the Judges and the other by Barristers,

Viseoun: Lifford

many of whom had seldom held a brief. As Judge Christian prophesied in his celebrated judgment—

"The Judges who attempt to carry out that section (the 18th) will be placed in the position of the Judges of primitive times, who made laws as fast as they administered them."

Subscriptions were being raised in all parts of the country to enable tenants to prefer their claims; and even the Press was becoming demoralized in consequence of the necessity of pandering to the people who supposed they had these rights over the land; the class of low attorneys were reaping a rich harvest, and many of them who were before unheard of had acquired extensive practices. When all these circumstances were taken into consideration it could hardly be said that it would be premature to inquire into the subject. All he asked for was that the landlords should be enabled to ascertain on trustworthy authority what the landlords had lost and what the tenants had gained by the Act of 1870. This was a subject on which even Judges of great eminence held different opinions. It entirely depended on the Judge who went a circuit whether a gentleman had to pay a large sum or nothing at all at the termination of a lease; and he was told that Chief Justice Monahan had said the Ulster custom applied to the termination of a lease, while Judge Lawson held a different opinion. All he asked for was uniformity, and he would suggest that, instead of these important cases being tried by Judges of the Civil Bill Court, two or three Judges of high character should be sent twice a-year to try all cases arising under the Act. On the 11th of March, 1870, the Prime Minister used the following words:—

"We are called upon, therefore, to begin this rectification of land tenures in Ireland with a plan which, if it be good at all, is good not for Ireland only, but for the whole of the Three Kingdoms, and which certainly amounts—I do not wish to describe it in language of excessive strength—to, perhaps, a peaceful, but yet a very searching and complete social revolution."—[3 *Hansard*, cxcix. 1848.]

He thoroughly agreed with the latter portion of the statement. By refusing inquiry into what he had described, their Lordships would say that this state of things was to continue another year, and that rights were to be assumed day by day and month by month which would produce difficulties and heartburnings—

especially in Ulster, where there always had been attachment between landlord and tenant. Would their Lordships do this, or would they grant a Committee, which would probably make a very moderate Report, pointing out the weak parts of the Act from which these varied decisions spring, and advising the appointment of a tribunal to administer the present law with uniformity and with justice?

Moved, "That a Select Committee be appointed to inquire into the working of the Landlord and Tenant (Ireland) Act, 1870,"—(*The Viscount Lifford*.)

THE EARL OF KIMBERLEY said, their Lordships would recollect that when the Irish Land Bill was under discussion in this House there was no part of it that was more difficult than that which related to the Ulster tenant-right. There were two courses which might have been pursued. One was to attempt to define the custom by statute; and the other was not to attempt to define the custom by statute, but to make the custom statutable, and to leave it to the Courts of Law to determine between the parties where the custom applied, and to what extent it applied. Parliament deliberately determined upon the second course, and, in his opinion, it wisely determined upon it. He should not think it would have been possible, by any inquiry that could have been made, by however competent persons, to devise any scheme which would have done complete justice in all the cases of minute differences existing in Ulster, and which would not have erred by giving either too much to one party or too little to another. No doubt the other alternative left considerable uncertainty and considerable chances of conflicting decisions. It was not surprising we should hear that decisions had been given which had not given satisfaction, at all events to one party in a suit—he never heard of a decision which gave satisfaction to both parties—but it was not always that the losing party had the chance of bringing his appeal to the House of Lords, and of asking for a Committee to which the question in dispute should be referred. It was still more unusual that cases should be brought on, as it were, for a fresh trial though not in a judicial manner, when in those very cases appeals had been carried to the proper

Court, the decision of which was not yet given. He did not wish to identify the Government or himself with any particular decision; he was not competent to say whether any decision was the wisest that could have been given; he would not examine into the grounds of any decision and pass censure or approval upon the learned Judge who tried the case; and he did not think it at all convenient that any attempt should be made on the part of the Government to review such decisions; but as the noble Viscount (Viscount Lifford) had mentioned two or three cases, he would explain what he believed to be the facts of them in order to remove some misapprehension. The case decided in the county of Down involved the question whether, on the termination of a long lease—a lease for three lives—a claim for compensation under Ulster tenant-right would arise. On the expiration of the lease the landlord wished to resume possession; the tenant made a claim for tenant-right, and the Chairman held that the custom applied in the case, and gave an award in favour of the claimant; that decision was now appealed against. This was a proper question to be argued before a Court of Law—he could not imagine that in the administration of the Act any more important question could arise than that of determining precisely within what limits and under what circumstances Ulster tenant-right existed on the termination of a lease. There had been another decision, to which the noble Viscount did not refer, by which it had also been held that Ulster tenant-right existed on the termination of a long lease. In mentioning it he was not arguing the principle that tenant-right existed at the close of a lease; he was only pointing out that this was precisely the matter which had to be argued before a Court of Law, and it was not a matter of policy for discussion in Parliament. It was not the intention of Parliament to take away by statute any rights which tenants enjoyed by custom in Ulster; but it was the intention of Parliament to preserve to tenants the rights that belonged to them by custom, and to make them statutory instead of customary; and if after a full inquiry by a competent Court it should be found that Ulster tenant-right might be properly claimed at the end of a lease, it was the policy of the Act not to de-

prive the tenants of Ulster of their tenant-right. The whole question turned on a matter of fact—was or was not an Ulster custom one which arose at the end of a long lease? If it did, great injustice would be done to the tenant if it were taken away, and no injustice to the landlord if it were maintained. If on full inquiry before a competent Court, it should be shown that the custom did not arise, it would be so decided; the Act would take effect, and no injustice would be done. He must not be understood as giving an opinion on the decisions of the Courts, for these were questions of evidence and of law which he was not competent to discuss. He was arguing that it would be premature and most unwise for the House to insist upon an inquiry into an important branch of the subject by a Committee which might possibly decide contrary to previous decisions of Courts of Law how the Act was intended to apply; and this was the most important of all branches of the subject. The second case arose in the county of Donegal and had excited great attention. The property was owned by a noble Earl. In this case an appeal was made to a very competent judge, Mr. Justice Lawson, who upheld the decision of the Chairman that tenant-right existed upon the estate in question at the time when the tenant entered on his holding, and that no act done since had extinguished the tenant-right. That seemed to him to be a decision which was quite in accordance with the principle of the Act. He did not say whether Mr. Justice Lawson was right or not; he assumed that the Judge was right in the particular case; it was a simple question of fact whether tenant-right existed or did not, and he could add nothing to the case by expressing an opinion of his own; but surely there was nothing outrageous or monstrous in the decision, which, upon full inquiry, found that on a particular estate tenant-right had existed and had not been extinguished by anything done, and which, therefore, sustained the decision of the Chairman. A smile was excited by the statement of the amount of the award in that case. There was nothing more astonishing to English landlords, and to himself as one of them, than the extraordinary amounts at which Ulster tenant-right was valued. It was a thing he never understood, and

The Earl of Kimberley

he never should understand it; he doubted if any Englishman ever could understand it; he really did not know upon what principle the calculations for these purchases of Ulster tenant-right were based. What they knew was that as a matter of fact these large sums had been for a long course of years given for the Ulster tenant-right; and they must assume that the Judges who administered the Act were guided by the ordinary rules of evidence in endeavouring to give such sums as from the custom of the country appeared to be right and fair. The game case which the noble Viscount referred to was a peculiar case. As he understood it, the landlord had grouse moors, over which the right of shooting had been reserved, and, without interruption from the tenants, he had exercised that right and had left it for a considerable sum. The tenants, finding there was no actual reservation of the exclusive right on the letting of the farms, demurred to the landlord any longer exercising his right by letting it to another person. Now, there was a clause in the Irish Land Act which specially dealt with this class of cases. That was Clause 14. The first part of that clause dealt with cases where the right on the part of the landlord to shooting, fishing, &c., had not been expressly reserved, and the second part of it where there was an implied right in the landlord to shoot and fish. In this he thought Parliament had gone as far as it could in giving the right to the landlord. The other objections of the noble Viscount were directed against the character of the Courts before which these cases had been tried. He confessed he had but little experience of this part of the subject—much less, probably, than the noble Viscount who introduced the subject to their Lordships. He must say, however, that the gentlemen who presided over these Courts were considerably higher in position than briefless Barristers. They were usually selected from those who were just below the highest ranks of their profession.

VISCOUNT LIFFORD: They are Assistant Barristers.

THE EARL OF KIMBERLEY: No doubt they were Assistant Barristers, but they were drawn from a class by no means contemptible, and by their position, experience, and knowledge, were generally competent to discharge the duty imposed

on them, and generally speaking, had considerable local knowledge. He had had the honour of selecting three or four gentlemen for that special duty, and he was sure those of their Lordships who knew the facts would admit that, as a class, they were the most competent set of men that could be obtained, and quite fit to administer the law. He very much doubted whether some of the observations which the noble Viscount had quoted with reference to their decisions were correct, and whether considerable colour had not been given to them. With regard to the inquiry proposed, their Lordships, he ventured to think, would not inquire into the working of the Act until they had some considerable experience of its alleged failure. They had as yet no such experience. He believed the Act had succeeded on the whole very well and worked good in Ireland. Doubts might be expressed by persons qualified to express them whether in all cases the best decisions had been given by the Courts; but he asked—could such an Act be administered without some such cases having arisen? This, it must be recollected, was a new law, admitted on all hands to be of a very unusual character. A number of Courts held in different parts of the country had to administer that law as to which there was no body of precedents. In such a state of things it was impossible, however competent the Judges might be, that there should not be occasionally conflicting decisions and erring from the path ultimately found to be the straight one. They must wait for a body of decisions which could only be formed after appeals to the Judges. No doubt it might be said that it was a hardship on landlords and tenants to be compelled to bring questions before the Courts, which led to expensive and burdensome litigation; but that was the inevitable result of an Act like this, which was new in its nature, and which brought into play new principles. It was foreseen from the first that there would be considerable difficulty in working out the Act. They must be prepared for objections being brought against it; but within two years of its enactment were they to say this Act had failed, and an inquiry ought to be made by Parliament into its operation because it had been found that difficulties had arisen, which difficulties must have been foreseen?

He had little more to say than to appeal to their Lordships not to agree to the Motion of the noble Viscount. After full experience had been obtained of the working of the Act, no doubt some amendments of it would in different respects be found necessary; but to have an inquiry at this period, after only two years experience, and especially in that House, composed entirely of landlords, would not, he thought, be productive of the slightest benefit, and certainly it would not be creditable to their Lordships' House.

LORD ROMILLY said, he did not rise to make any observations with reference to the proposed inquiry, but to read a statement, which he had been requested to do by Mr. Justice Lawson—a very old friend of his, for whose learning, judgment, and impartiality he entertained great regard—in consequence of a decision of his having been impugned by a noble Earl. Mr. Justice Lawson informed him that it was only when a question of law arose that a Judge was to call in his colleague, and if he thought it expedient to reserve a question, by way of case stated, for the Court of Land Cases Reserved. The case was "*Friel v. Lord Leitrim*," and the statement of Mr. Justice Lawson was as follows:—

"This was an appeal from a decree of the Chairman, awarding £235 upon a claim for disturbance by the plaintiff under the Irish Land Act. The claimant proved before me that he paid £180 to his brother Patrick for the tenant-right of part of this farm, and that this payment was made with the sanction and approval of Mr. Wray, who was the agent over the estate at the time. This evidence was wholly uncontradicted. He also stated that his brother John had an adjoining part of the farm held separately under Lord Leitrim, that Lord Leitrim evicted him two years ago, and that he, the claimant, was served with notice to quit because he had given shelter to his brother after he was so evicted. It was proved that the Ulster custom of tenant-right had always existed upon this estate and all the estates in the district. A respectable surveyor, Mr. M'Neely, swore that the profit rent of the claimant's farm was worth £19 7s. 6d. a-year, and that the tenant-right would sell for £278. The only witness produced for the respondent was Lord Leitrim himself. He proved that Wray was his agent down to 1857, he having succeeded to the estate in 1855; he stated that he had evicted many tenants and had never recognized the tenant right-custom. I held that it was clearly proved that the holding was subject to the Ulster custom of tenant-right, and I saw no reason to reduce the amount given by the Chairman, as there was no evidence to contradict the value put upon it by the claimant's witness. After I had pronounced my judgment, the junior counsel for the respondent asked me to reserve a point for

prive the tenants of Ulster of their tenant-right. The whole question turned on a matter of fact—was or was not an Ulster custom one which arose at the end of a long lease? If it did, great injustice would be done to the tenant if it were taken away, and no injustice to the landlord if it were maintained. If on full inquiry before a competent Court, it should be shown that the custom did not arise, it would be so decided; the Act would take effect, and no injustice would be done. He must not be understood as giving an opinion on the decisions of the Courts, for these were questions of evidence and of law which he was not competent to discuss. He was arguing that it would be premature and most unwise for the House to insist upon an inquiry into an important branch of the subject by a Committee which might possibly decide contrary to previous decisions of Courts of Law how the Act was intended to apply; and this was the most important of all branches of the subject. The second case arose in the county of Donegal and had excited great attention. The property was owned by a noble Earl. In this case an appeal was made to a very competent judge, Mr. Justice Lawson, who upheld the decision of the Chairman that tenant-right existed upon the estate in question at the time when the tenant entered on his holding, and that no act done since had extinguished the tenant-right. That seemed to him to be a decision which was quite in accordance with the principle of the Act. He did not say whether Mr. Justice Lawson was right or not; he assumed that the Judge was right in the particular case; it was a simple question of fact whether tenant-right existed or did not, and he could add nothing to the case by expressing an opinion of his own; but surely there was nothing outrageous or monstrous in the decision, which, upon full inquiry, found that on a particular estate tenant-right had existed and had not been extinguished by anything done, and which, therefore, sustained the decision of the Chairman. A smile was excited by the statement of the amount of the award in that case. There was nothing more astonishing to English landlords, and to himself as one of them, than the extraordinary amounts at which Ulster tenant-right was valued. It was a thing he never understood, and

he never should understand it; he doubted if any Englishman ever could understand it; he really did not know upon what principle the calculations for these purchases of Ulster tenant-right were based. What they knew was that as a matter of fact these large sums had been for a long course of years given for the Ulster tenant-right; and they must assume that the Judges who administered the Act were guided by the ordinary rules of evidence in endeavouring to give such sums as from the custom of the country appeared to be right and fair. The game case which the noble Viscount referred to was a peculiar case. As he understood it, the landlord had grouse moors, over which the right of shooting had been reserved, and, without interruption from the tenants, he had exercised that right and had left it for a considerable sum. The tenants, finding there was no actual reservation of the exclusive right on the letting of the farms, demurred to the landlord any longer exercising his right by letting it to another person. Now, there was a clause in the Irish Land Act which specially dealt with this class of cases. That was Clause 14. The first part of that clause dealt with cases where the right on the part of the landlord to shooting, fishing, &c., had not been expressly reserved, and the second part of it where there was an implied right in the landlord to shoot and fish. In this he thought Parliament had gone as far as it could in giving the right to the landlord. The other objections of the noble Viscount were directed against the character of the Courts before which these cases had been tried. He confessed he had but little experience of this part of the subject—much less, probably, than the noble Viscount who introduced the subject to their Lordships. He must say, however, that the gentlemen who presided over these Courts were considerably higher in position than briefless Barristers. They were usually selected from those who were just below the highest ranks of their profession.

VISCOUNT LIFFORD: They are Assistant Barristers.

THE EARL OF KIMBERLEY: No doubt they were Assistant Barristers, but they were drawn from a class by no means contemptible, and by their position, experience, and knowledge, were generally competent to discharge the duty imposed

The Earl of Kimberley

on them, and generally speaking, had considerable local knowledge. He had had the honour of selecting three or four gentlemen for that special duty, and he was sure those of their Lordships who knew the facts would admit that, as a class, they were the most competent set of men that could be obtained, and quite fit to administer the law. He very much doubted whether some of the observations which the noble Viscount had quoted with reference to their decisions were correct, and whether considerable colour had not been given to them. With regard to the inquiry proposed, their Lordships, he ventured to think, would not inquire into the working of the Act until they had some considerable experience of its alleged failure. They had as yet no such experience. He believed the Act had succeeded on the whole very well and worked good in Ireland. Doubts might be expressed by persons qualified to express them whether in all cases the best decisions had been given by the Courts; but he asked—could such an Act be administered without some such cases having arisen? This, it must be recollected, was a new law, admitted on all hands to be of a very unusual character. A number of Courts held in different parts of the country had to administer that law as to which there was no body of precedents. In such a state of things it was impossible, however competent the Judges might be, that there should not be occasionally conflicting decisions and erring from the path ultimately found to be the straight one. They must wait for a body of decisions which could only be formed after appeals to the Judges. No doubt it might be said that it was a hardship on landlords and tenants to be compelled to bring questions before the Courts, which led to expensive and burdensome litigation; but that was the inevitable result of an Act like this, which was new in its nature, and which brought into play new principles. It was foreseen from the first that there would be considerable difficulty in working out the Act. They must be prepared for objections being brought against it; but within two years of its enactment were they to say this Act had failed, and an inquiry ought to be made by Parliament into its operation because it had been found that difficulties had arisen, which difficulties must have been foreseen?

He had little more to say than to appeal to their Lordships not to agree to the Motion of the noble Viscount. After full experience had been obtained of the working of the Act, no doubt some amendments of it would in different respects be found necessary; but to have an inquiry at this period, after only two years experience, and especially in that House, composed entirely of landlords, would not, he thought, be productive of the slightest benefit, and certainly it would not be creditable to their Lordships' House.

LORD ROMILLY said, he did not rise to make any observations with reference to the proposed inquiry, but to read a statement, which he had been requested to do by Mr. Justice Lawson—a very old friend of his, for whose learning, judgment, and impartiality he entertained great regard—in consequence of a decision of his having been impugned by a noble Earl. Mr. Justice Lawson informed him that it was only when a question of law arose that a Judge was to call in his colleague, and if he thought it expedient to reserve a question, by way of case stated, for the Court of Land Cases Reserved. The case was "*Friel v. Lord Leitrim*," and the statement of Mr. Justice Lawson was as follows:—

"This was an appeal from a decree of the Chairman, awarding £235 upon a claim for disturbance by the plaintiff under the Irish Land Act. The claimant proved before me that he paid £180 to his brother Patrick for the tenant-right of part of this farm, and that this payment was made with the sanction and approval of Mr. Wray, who was the agent over the estate at the time. This evidence was wholly uncontradicted. He also stated that his brother John had an adjoining part of the farm held separately under Lord Leitrim, that Lord Leitrim evicted him two years ago, and that he, the claimant, was served with notice to quit because he had given shelter to his brother after he was so evicted. It was proved that the Ulster custom of tenant-right had always existed upon this estate and all the estates in the district. A respectable surveyor, Mr. M'Neely, swore that the profit rent of the claimant's farm was worth £19 7s. 6d. a-year, and that the tenant-right would sell for £278. The only witness produced for the respondent was Lord Leitrim himself. He proved that Wray was his agent down to 1857, he having succeeded to the estate in 1855; he stated that he had evicted many tenants and had never recognized the tenant right-custom. I held that it was clearly proved that the holding was subject to the Ulster custom of tenant-right, and I saw no reason to reduce the amount given by the Chairman, as there was no evidence to contradict the value put upon it by the claimant's witness. After I had pronounced my judgment, the junior counsel for the respondent asked me to reserve a point for

the Court above, on the ground that there was no compensation given to John, the claimant's brother, when he was evicted. I refused, being of opinion that there was no question of law fit to be reserved."

He (Lord Romilly) must be permitted to say that it did not accord with his ideas of judicial procedure that a noble Lord who had been an unsuccessful suitor should, under such circumstances, make an appeal to their Lordships' House.

LORD DE ROS said, he could not help thinking that there was some mistake in the noble Earl (the Earl of Kimberley) supposing that the noble Viscount had made an attack on the Act of Parliament. What had been complained of was not the Act itself but the administration of the Act; and what was desired was, that a more satisfactory tribunal for giving effect to the Act should be appointed.

LORD LURGAN said, that whatever affected Ireland would sooner or later be felt in other parts of the United Kingdom; and therefore he had heard with regret the speech delivered by the noble Viscount (Viscount Lifford) who introduced the present Motion. The noble Viscount had, in his opinion, alluded to circumstances which were only exceptional, and he could not concur in the noble Viscount's conclusions; for as a resident in the province of Ulster, he could assure their Lordships that the Irish Land Act was, to the best of his belief, working satisfactorily, and had in no way diminished or impaired the good feeling which, as the noble Viscount stated, had always existed between the Ulster tenantry and their landlords. He would go further, and say that the legitimate influence of the landlord was as great as ever. He was still the guide, friend, and counsellor of his tenants in all cases of difficulty. He could confirm what had been stated before, that it was not the estates of the large landed proprietors, but of the smaller proprietors, which furnished cases to go before the Assistant Barristers. He thought that the noble Viscount had been rather hard in his remarks on the Chairmen of counties. It should be borne in mind that the work falling on them was new work; and, speaking in respect to the Chairman of his own county, he could state that that gentleman anxiously and studiously devoted days and weeks to the

Lord Romilly

consideration of the cases coming before him, and he believed that the Chairmen of other counties acted in the same spirit. One case had been alluded to which, as the noble Earl the Secretary for the Colonies stated, was still under adjudication; and therefore he should follow the good example of the noble Earl, and refrain from saying one word either in favour of one side or the other. He could not but think that the Assistant Barrister, who, the noble Viscount assumed, had engaged himself in collecting evidence, pursued a wise course when he tried to get the very best testimony from the stalwart farmers of the county of Down as to what was the practice of the district. As to the Ulster custom, many of their Lordships did not understand what that custom was, and he thought Parliament had exercised a wise discretion, when the Irish Land Act was under consideration, in not laying down any definition of the Ulster custom, but in leaving each particular case to be decided on its own merits. He felt bound to state his belief, and what he knew to be the belief of a large body of the manly and upright tenantry of Ulster, that the expiration of a lease did not do away with the Ulster custom of tenant-right. That circumstance might modify or diminish the amount to be paid by the landlord if he wished to take the law into his own hands, but it did not do away with the tenant-right altogether. That he thought to be a wise arrangement, for the recognition of the fact induced the tenant, instead of exhausting his farm, as he might do if he knew that he had no security for compensation on leaving it, to endeavour to keep his farm in a state of improvement and good cultivation. It was with great satisfaction he had heard that, so far as the Government were concerned, it was not their intention to comply with the Motion of the noble Viscount. He thought it would be unwise on the part of the Government and ungenerous on the part of their Lordships to agree to the Motion. He rejoiced to find the character and conduct of the landlords coming out so well in the debate in 1870 on the Land Act, and he hoped that their Lordships would bear in mind that the Irish Land Act was passed not for the protection of the landlords, but for the protection of the tenants.

LORD CAIRNS said, he could not but think that the subject brought under their Lordships' notice by the noble Viscount (Viscount Lifford) was of great importance, and well worthy of consideration. In a great deal of what had fallen from the noble Earl the Secretary of State he agreed. He thought nothing could be more undesirable and inconvenient than that the House, in its legislative capacity, should pass in review the merits of particular judgments which might hereafter come before their Lordships on appeal. So far he agreed with the noble Earl. The noble Earl also described truly the considerations which had led to the establishment of the tribunals by which the Act was administered. The Government at the time of its passing admitted that there was a great deal of vagueness in the Act—and nobody, for example, could explain in what the custom of Ulster consisted. A great deal of power had to be given consequently to the Judges under the Act, and there was in it a clause called the "Equities Clause," which armed them with a degree of authority and discretion which never, he supposed, had been committed to the hands of any Judges before. That he was not complaining of; he simply mentioned the fact without suggesting that any alteration should in that respect be made. There was, moreover, a complete absence of any precedents by which the Judges could be guided, which rendered the Act and the proceedings under it a measure altogether without parallel. He should be sorry at the same time to see any steps taken by the Legislature for the purpose of altering the provisions of the Act. Indeed, he himself no later than last Session had introduced a Bill for the purpose of explaining some portions of it which seemed to be open to doubt, and that Bill had received the assent of the Legislature. But let him for a moment ask their Lordships to consider what was the character of the tribunals which were established for the purpose of administering the Act. He was not going to say one word with regard to the merits or demerits of individuals, with one exception. The noble Lord the Master of the Rolls had referred to Mr. Justice Lawson; and although he (Lord Cairns) did not know the merits of the case mentioned in the least, he must observe that he knew no one to whom, in

his judicial capacity, he should be more willing to submit the decision of a question than Mr. Justice Lawson. He must not be understood as wishing in the slightest degree to depreciate the Judges by whom the law was administered, while at the same time he regretted the want of uniformity in the decisions. But who, he would ask, were the primary Judges who carried out its provisions and had to decide on the difficult and intricate questions which arose under it between landlords and tenants? There were 32 Assistant Barristers in Ireland, and to them was intrusted that duty. Now, he dared say these 32 Assistant Barristers were very proper persons for the discharge of the duties which they were originally appointed to perform, which was to decide on what were known in this country as County Court cases—cases not exceeding, he believed, in value £40, which arose in various districts of Ireland. Not merely was there that limit to their jurisdiction, but the cases which they were appointed to decide were cases governed by clear precedents—ordinary cases of contract and the administration of the common law of the country, as to which there could be very little doubt, and in regard to which there could be no vagueness. Such were the Judges who were all at once transferred into Judges to administer the Land Act in the cases under which the amount of money which might change hands was absolutely without any limit, and to decide those cases under an Act which was vague, indefinite, and difficult to administer beyond any measure which had, he believed, ever received the sanction of the Legislature. They had, he admitted, a very difficult task to perform; but there was another remark which he also wished to make. The number of the Assistant Barristers was 32, and they had to administer the Act in the different counties of Ireland. Now, it was notorious—and the truth of the allegation ought to be inquired into—that, without impugning the uprightness of these Assistant Barristers or their capacity in an ordinary way, there had, as a matter of fact, owing to the way in which the Act was administered, already sprung up in Ireland completely different systems of law as between landlord and tenant. He could name two counties within sight of each other in which the law as between landlord and

tenant had come to be as different as the law of England was different from that of the Mauritius. But the noble Earl had told them this was a state of things which could be rectified by an appeal to the Judges. Now, to whom did the appeal lie? To the Judges of Assize. But when it was considered that there were 12 Judges of Assize for Ireland, it was not to be wondered at that the decisions of these learned functionaries should also be at variance with each other. Instead, therefore, of having one Appellate Court to steady and rectify the decisions of the Assistant Barristers, there were 12 distinct tribunals. It should be borne in mind, also, that the Judges of Assize were men who were very much pressed for time, who went down to the assize towns to transact business of great urgency and importance, with only a limited number of hours for the purpose, and that these cases were submitted to them without notice; yet those Judges suddenly found themselves, while thus engaged, face to face with appeals from the Assistant Barristers, involving not merely difficult questions of law but of fact, in which the different opinions of surveyors, tenants, landlords, and other persons had to be heard. In the midst of the scramble of civil and criminal business on his circuit, the Judge of Assize had interposed those weighty and tedious and embarrassing cases—in which great latitude was left to him, too, in point of discretion, in consequence of the vagueness of the Act. The result was, that as there arose great differences in the decisions of the 32 Barristers in the first instance, so there were differences between the decisions of the Judges in like manner; so that the appellate tribunal had not had the effect, he believed, of reducing the law to any system whatever. Now, he wanted their Lordships to observe in what the urgency of the question consisted; because, unless the question were urgent, the Act ought, perhaps, to be allowed to go on working a little longer before any decided conclusions were drawn with respect to its operation. The urgency of the matter seemed to him to lie in the fact that there were a great many of those cases, and that once a decision was given by it with regard to the custom of Ulster, or any other custom in reference to a farm, that farm would become indelibly impressed

Lord Cairns

for all time with the character of that custom, or until the landlord abolished the custom by buying it up. Now, it was a very serious thing that farm after farm should thus have a custom finally settled upon it. Another reason for urgency was that, as their Lordships were aware, the Act of Parliament provided that the Government might increase the salaries of the Assistant Barristers in consideration of the greater amount of business which they would have to transact. No increase had, he believed, been given, although strong pressure was being put upon the Government with that object. That being so, it was no wonder that certain proposals for effecting a change were made. What was proposed was, that instead of there being 32 Judges deciding those cases in the first instance, there should be two Judges appointed, of the character of the Judges of the Landed Estates Court; that they should visit all the counties in Ireland, and that they should transact the whole of the business now transacted under the Act by the Assistant Barristers. In that way, by having Judges of a superior stamp, uniformity of decision, as well as greater expedition in hearing the cases, would be secured. The arrangement, instead of being more expensive, would be less expensive, inasmuch as the salaries of the two Judges would not amount to so large a sum as the increased salaries of the 32 Assistant Barristers. The question was one which he hoped would be carefully considered before any such increase was made. It was also proposed that, instead of there being an appeal to the Judge of Assize, who might, if he pleased—but only if he pleased—allow an appeal to the Court of Land Cases Reserved in Dublin, there should be no appeal to the Judge of Assize, but an appeal as a matter of right to the Court of Land Cases Reserved. In that way we would have one appellate tribunal reducing to uniformity all the decisions of the primary Court. What they desired to avoid was the difference which at present existed in the mode of administering the Act in different counties, and the danger of the opinion arising that there was one set of Assistant Barristers whose decisions were always in favour of the tenant, and of another set of Assistant Barristers whose decisions were as invariably favourable to the landlord.

Whatever the decisions might be, let them be uniform throughout the whole country. The subject was one to which he thought it was extremely important that the Government should turn their attention, and he did not believe that, in the long run, the working of the Act could be made satisfactory without some provisions of this kind. The noble Lord who spoke last (Lord Lurgan) lived in a county where there was an able and experienced Barrister, and being satisfied with his decisions, did not wish any alteration. If, however, he would go a little further, and inquire into the decisions in other counties, he would see the necessity of some change.

THE LORD CHANCELLOR begged their Lordships to pause before, at the expiration of two years only from the passing of a Bill of the utmost importance, and considered with the deepest deliberation, they adopted the Motion of the noble Viscount (Viscount Lifford); for by adopting such a course they must shake public confidence in legislation so deliberately adopted, and which had, as he believed, been attended by the most admirable results as far as concerned the country to which it was applied. Were they to do so—if, after the lapse of two years from the planting of a new system, they were to grant the Committee of Inquiry asked for by the noble Viscount, they would act like children who pull up a plant to see how it is growing. No worse course could be adopted in legislation. There was serious objection against taking such a course with regard to any measure whatever; but with regard to the present Motion there was this further objection—in which his noble and learned Friend who had spoken last (Lord Cairns) evidently agreed—that nothing could be more prejudicial to their Lordships' authority, both as legislators and as Judges, than to mix up the two capacities, and to attempt to investigate in this House, by means of a Motion of this description, questions which were the proper subjects of legal inquiry and decision before properly constituted tribunals. It was quite clear that a Motion such as this should not be supported—looking to the very recent passing of the Act, looking to the care bestowed upon it, and looking to the large interests involved in it—it was quite clear that a very strong case must be made out before such a

Committee was appointed; and this the noble Viscount who moved for the Committee evidently felt, for he had sought to make out his case by citing instances of grievances; and this his noble and learned Friend (Lord Cairns) also evidently felt, although he had declined to follow the noble Viscount, for he felt it would be wrong to enter into the merits of cases which had been recently decided and some of which were at this moment under appeal. His noble and learned Friend, therefore, instead opened new ground, and said that, according to his own knowledge and according to notoriety, a conflicting series of decisions, some on behalf of the landlord, and some on behalf of the tenant—which he (the Lord Chancellor) supposed were to be assumed consonant with a strict construction of the Act—had been established in adjoining counties, and therefore that there was a grievance which ought to be inquired into in regard to the administration of justice. One remarkable thing, however, was that all the cases cited by the noble Viscount in that part of his speech he had heard—for as the noble Viscount's back had been turned towards him he had not heard him distinctly—were landlords' cases—not in the sense of corruption, but in the sense of undue and improper decisions with regard to the construction of the Act of Parliament. But the argument urged by his noble and learned Friend was that there were conflicting decisions delivered in adjoining counties. If that were so, why had not the tenants complained? How was it that under those circumstances the grievance of the landlords had alone reached their Lordships' House. But whether it were a landlords or a tenants grievance, how was it possible to inquire into it in the course of a debate of this kind? No doubt it would be said that it was proposed to make the inquiry by means of a Select Committee; but a very strong case ought to be made out before they questioned the policy of an Act passed so recently, and under the circumstances to which he had alluded. The noble Viscount (Viscount Lifford) had referred to a case decided by an Assistant Barrister—whose judgment but not whose motives were assailed. But it appeared that this decision on appeal had been confirmed by an eminent Judge, to whose ability, honour, and capacity noble Lords

particular Act, and consider whether it ought to be included in the schedule.

THE LORD CHANCELLOR said, he was glad the noble Marquess had brought this subject under his notice. He wished their Lordships to understand that he was only doing his best with the agents employed to carry these Acts into effect. When it was remembered that the Bill dealt with some 400 statutes, it was not to be wondered at that some error, such as he presumed this to be, should have been committed, notwithstanding the competence of the draughtsmen employed. He would make a note of the matter and have it looked into.

Motion agreed to; Bill read 2^a accordingly, and committed to a Committee of the Whole House on *Thursday* next.

GAS AND WATER ORDERS CONFIRMATION BILL.

The Lords following were named of the Committee:—E. Cadogan (chairman), E. Rosse, L. Vaux of Harrowden, L. Blantyre, L. Balinhard.

House adjourned at Nine o'clock, 'till
To-morrow, a quarter before
Five o'clock.

HOUSE OF COMMONS,

Monday, 3rd June, 1872.

MINUTES.]—SELECT COMMITTEE—Elementary Schools (Certificated Teachers), appointed.
SUPPLY—considered in Committee—CIVIL SERVICE ESTIMATES.

Resolutions [May 31] reported.
PUBLIC BILLS—Resolution in Committee—Ordered—First Reading—East India (Bengal, &c. Annuity Funds) * [182]; Chain Cables and Anchors Act (1871) Suspension * [183].

Second Reading—Elementary Education Provisional Order Confirmation * [175]; Tramways (Ireland) Provisional Order Confirmation * [181]; Limited Owners Residence Law Amendment * [165].

Committee—Education (Scotland) [31]—R.P.;
Corrupt Practices at Municipal Elections * [86]—R.P.

Committee—Report—Local Government Supplemental (No. 2) and Act (No. 2, 1864) Amendment * [163]; Alteration of Boundaries of Dioceses * [170].

Third Reading—Act of Uniformity Amendment [138]; Charitable Loan Societies (Ireland) * [167]; Cattle Disease (Ireland) Acts Amendment * [159]; Elementary Education Act (1870) Amendment * [168]; Charitable Trustees Incorporation * [120], and passed.

The Marquess of Salisbury

TREATY OF WASHINGTON.

TRIBUNAL OF ARBITRATION (GENEVA). THE INDIRECT CLAIMS.

CORRESPONDENCE.

Copy presented,—of Draft of Articles proposed by Her Majesty's Government to the Government of the United States, May 10, 1872 [by Command]; to lie upon the Table.—North America (No. 8, 1872).

IRELAND—INTOXICATION BY ETHER.

QUESTION.

COLONEL STUART KNOX asked the Chief Secretary for Ireland, Whether his attention has been called to the great increase of intoxication in the North-west of Ireland, caused by the use of ether and of a mixture of naphtha and ether, sold by chemists and grocers, and, if so, if he is prepared to take steps to put a stop to the abuse, and deter parties who turn their establishments into dram shops?

THE MARQUESS OF HARTINGTON said, in reply, that the attention of the Irish Government had not been called to that matter lately, but as long ago as 1868 its attention was directed to it by a presentment of the Grand Jury of the county of Tyrone, forwarded by Mr. Justice George. The Government then made a full inquiry into the subject, and ascertained that the practice of using ether as a stimulant instead of ordinary spirits was confined to the North of Ireland, and principally to the counties of Tyrone and Londonderry, where ether was taken in enormous quantities, not as an addition to whiskey, or any other spirit, to strengthen it, but merely diluted with water as a stimulant, instead of ordinary spirits. Thereupon the Irish Government communicated with the Board of Inland Revenue as to whether any measures should be taken for checking that practice. The Board of Inland Revenue reported that in the existing state of the law they could not interfere. The subject appeared to have been further considered by the Government; but, looking to the fact that the practice was almost confined to the two counties he had named, and that ether was very largely used for medicinal and many other legitimate purposes, and that the people who used it as a stimulant could use other stimulants which would be

quite as injurious, it was not then thought necessary to take any further step in the matter. At present an inquiry was, however, being conducted under the direction of the Irish Government into the alleged adulteration of whiskey in many parts of Ireland. As soon as the Reports on that subject were received they would be considered by the Government, who would also take the opportunity of considering the question to which the hon. and gallant Member had referred.

IRELAND—GALWAY ELECTION INQUIRY
—JUDGMENT OF MR. JUSTICE KEOGH.

QUESTION.

MR. MITCHELL HENRY said, that as the proceedings on the Galway Election Petition had extended over many days, and the evidence taken was very voluminous, and as the judgment of Mr. Justice Keogh extended over nine hours, and contained language of an unusual nature, he hoped that, in justice to that learned Judge, the earliest opportunity would be afforded to the country of knowing what it was that Mr. Justice Keogh really did say in giving his judgment. He, therefore, wished to put to the First Lord of the Treasury the Question of which he had given Notice—namely, Whether the attention of the Government has been directed to the judgment of Mr. Justice Keogh in the Galway Election Petition case; and, whether means will be taken to place upon the Table of the House the shorthand writer's report of the exact terms and language of that judgment, without the delay that must ensue if the production of the document in question is deferred until the voluminous evidence taken in the course of the inquiry is ready for publication?

MR. GLADSTONE: Certainly, Sir, the attention of the Government has been called to the report of the important judgment delivered by Mr. Justice Keogh in the Galway Election Petition case. But I may observe that neither we nor the public are as yet in what may be termed authentic possession of that judgment. I have been told—I cannot say I know it, but I have been told—that Mr. Justice Keogh does not at all desire to be bound by the precise expressions of the report, and thinks that they are not in some respects likely to convey his

meaning in the fullest and most satisfactory manner. But, as far as we are concerned, I do not think we have any title to interfere as an Executive Government in this matter, as the statute, I apprehend, makes full provision for dealing with it, and under the statute it will be the duty of Mr. Justice Keogh, I believe, to make a Report to the Speaker of the House of Commons. Mr. Justice Keogh has reserved a case for the Court of Common Pleas; and I believe it is not until Thursday, or some later day, that it can be dealt with; and until that has been dealt with, I do not believe that in the regular course of proceedings any further step will be taken. When that case has been disposed of, I believe that Mr. Justice Keogh will make his Report to the Speaker, and that the evidence will be forwarded to the Speaker. That will also be the time for our procuring—and it will be more consonant with precedent—a copy of his judgment. And I think in a case of this kind—where matters of very considerable consequence may be involved—it is especially requisite that we should allow the whole of the proceedings to take their own natural course, particularly as we believe that the provisions of the statute are quite sufficient for bringing the whole matter regularly before the House.

SUGAR—DRAWBACK CONVENTION
(1864).—QUESTION.

MR. J. B. SMITH asked Mr. Chancellor of the Exchequer, If he will inform the House whether France has up to the present time conformed to the obligations of the Treaty between Great Britain, France, Holland, and Belgium, made in 1864 for a period of ten years, called "The Drawback Convention," for the mutual adoption of classified rates of Duties on Sugar; if not, whether the Government proposes to enter into a fresh Treaty with that Country for regulating Duties on Sugar; and, if so, whether it is proposed to renew the Treaty for the unexpired term of "The Drawback Convention" of 1864, or for a longer period, and on what principles it is proposed the new Duties shall be levied?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, it was true that France had not fully observed the Draw-

back Convention of 1864, because she had failed to bring the drawback and the duty into the relation with each other defined by that Treaty. A Convention, however, was to meet on the subject, but he could not state exactly what it was proposed to do in that Convention. It was generally to consider the whole question, but more especially, he thought, whether it was expedient to introduce into the four countries the practice of refining in bond.

ARMY—EXCHANGES BY SUB-LIEUTENANTS.—QUESTION.

COLONEL BERESFORD asked the Secretary of State for War, If Sub-Lieutenants in the Cavalry can exchange for Infantry; if not, can those Sub-Lieutenants who have passed the highest examination at Sandhurst exchange generally with each other?

MR. CARDWELL: Sir, sub-lieutenants in the cavalry can exchange to infantry, subject, of course, to the general regulations, and provided they do not exceed the age for infantry. There is no objection to the exchange between two sub-lieutenants of infantry without reference to the list on which they pass out of Sandhurst.

PUBLIC BUSINESS—CORRUPT PRACTICES BILL—PUBLIC HEALTH BILL. QUESTIONS.

MR. FAWCETT asked the First Lord of the Treasury, What are the intentions of the Government with regard to the Corrupt Practices Bill; and, further, what Government measures will take precedence of it?

MR. GLADSTONE: At the commencement, Sir, of the Session, when we obtained the leave of this House to introduce the Corrupt Practices Bill, we did it with a full expectation of being able to pass that measure into law in the present Session, and that expectation, I am happy to say, we retain entire. We fully look forward to its being passed as one of the measures of the year. Beyond that I am not prepared to go at this moment. There is, I think, no advantage, and it does not conduce to regularity or expedition in Business, long beforehand to place a large number of measures in numerical order, as 1, 2, 3, 4, 5, and so on, for we are too liable

The Chancellor of the Exchequer

to be interrupted by causes which we cannot foresee to make that expedient. We intend to take that which is known as the Scotch Education Bill, and after that to proceed with the Mines Bill. When those two measures are disposed of, we should then think it time to lay down where we can the order of further Business, and then I shall be very happy to give the hon. Gentleman the best information in my power.

In reply to Sir CHARLES ADDERLEY, MR. GLADSTONE said, that although the Government looked upon the Public Health Bill as one of the measures which they hoped to pass during the present Session, still if it came to be a question of priority between that Bill and the Corrupt Practices Bill, the former would have to be postponed.

ROME—DIPLOMATIC REPRESENTATION AT THE PAPAL COURT.—QUESTION.

MR. MONK asked the Under Secretary of State for Foreign Affairs, Whether the appointment of Mr. Clarke Jervoise to a diplomatic post at the Papal Court in 1870 was of a temporary nature; and, if not, whether he would state to the House what advantage this country now derives from maintaining two distinct diplomatic missions in Rome?

VISCOUNT ENFIELD: Sir, Mr. Clarke Jervoise is only temporarily employed at Rome. He draws his salary at £530 a-year as clerk in the Foreign Office, and is paid the difference between that sum and £800, the salary assigned to the Secretary of Legation, who previously resided at Rome. Mr. Jervoise has also the benefit of the allowance of £200 a-year for house rent formerly assigned to the Secretary of Legation residing at Rome. His stay at Rome is, for the present, rendered necessary by the refusal of the Papal Government to hold any communication with a diplomatic agent accredited to the King of Italy—as is Sir Augustus Paget—and this dual representation at Rome is maintained by Foreign Governments generally.

POOR LAW (SCOTLAND) INSPECTORS.

QUESTION.

MR. M'LAREN asked, Whether the Lord Advocate's attention has been called to the fact that the local Poor

Law authorities in Stromness having unanimously appointed a woman to be Inspector of the Poor for that parish, the Board of Supervision in Edinburgh cancelled the appointment, although the woman had performed all the duties to the entire satisfaction of the parish for several years previously, in place of her father, who nominally held the office, but from the state of his health could not perform the duties; and, to inquire whether there is any Law disqualifying a woman from being appointed to the office of Poor Law Inspector in such a parish as Stromness?

THE LORD ADVOCATE: Sir, this Question refers to the conduct of the Board of Supervision in dismissing from the office of Inspector of the Poor a woman who had been appointed to that office by the Parochial Board of the parish. I have to inform my hon. Friend that this matter is not one with which I have any duty or authority to interfere. Nevertheless, I have communicated with the Chairman of the Board of Supervision, and requested an explanation of the circumstances of the case. From the answer returned, it appears that in the first instance the Chairman of the Parochial Board sought the opinion of the Board of Supervision as to the competency of making the appointment of a female to such an office. The Board of Supervision, without expressing an opinion as to the legal question involved, informed the Chairman of the Parochial Board that the appointment of a female was unprecedented, and in the opinion of the Board of Supervision inexpedient. In spite of that, the Parochial Board appointed a female. Now, the Scotch Poor Law Act vests in the Parochial Board the sole power of appointing a suitable person as Poor Law Inspector; but under another section of that Act the Board of Supervision has the power to dismiss any person who may be incompetent to discharge the duties of the office. The whole subject was very carefully considered by the Board of Supervision, and they came to the conclusion, upon the general question, that a female was not a fit or competent person to discharge the duties of an Inspector of the Poor Law, and therefore they had no alternative but to dismiss the female who had been appointed by the Stromness Board. The matter is entirely within the jurisdiction of the Board of

Supervision, which is not a Department of the Government, but an independent statutory Board, whose proceedings are not interfered with by the Government, but who are subject to any complaint which may be made against them. As to the abstract legal question involved in the matter, as the Board of Supervision has not passed an opinion, I hope my hon. Friend will not think me wanting in respect if I also decline to pass any opinion on that subject.

JAPAN—THE JAPANESE EMBASSY.

QUESTION.

MR. KINNAIRD asked the Under Secretary of State for Foreign Affairs, Whether the Government are preparing to take steps to receive the eminent Japanese statesman Iwakura and the other distinguished persons composing the Japanese Embassy, who are expected shortly to arrive in England, in a manner calculated to mark our appreciation of the policy of the Emperor and the efforts of his Government to establish cordial relations with Foreign Powers?

VISCOUNT ENFIELD: Sir Harry Parkes, General Alexander, and Mr. Aston, Interpreter to the Legation in Japan, have been appointed to attend to the Japanese Embassy on their arrival and during their stay in this country, but at present we have no intimation as to the probable time of their arrival.

PARLIAMENT — BUSINESS OF THE HOUSE—ACT OF UNIFORMITY AMENDMENT BILL. — QUESTION.

MR. RYLANDS wished to ask the right hon. Member for Kilmarnock Whether he intends to give the House an opportunity of reconsidering the opinion it had expressed on Thursday night with regard to that portion of the Preamble of the Act of Uniformity Amendment Bill which related to the approval of Convocation being required to the provisions of the Bill?

MR. BOUVERIE, in reply, said, that although his objection to the measure had been in a great degree obviated by an Amendment made in it, he yet regarded himself as bound to fulfil the promise he had given to afford the House an opportunity of reconsidering its opinion on the point referred to. He had, however, no idea that the Report

upon the Bill would have been brought up so promptly as the following day after the Committee, and therefore he had not given the necessary Notice to enable him to raise the question on that occasion. If the right hon. Gentleman at the head of the Government would not press the third reading that night, he would give the necessary Notice to enable him to raise the point on a future occasion.

MR. GLADSTONE said, he thought it would be as well for him to state that it was the intention of the Government to proceed with the third reading of the Bill that night, as it was desirable that it should be passed as promptly as possible, seeing that it would affect the form of service of the Church. The right hon. Gentleman had had ample opportunity, had he thought fit to do so, of giving Notice of his intention to take such a course that evening as he might deem it right to adopt with reference to the measure.

ARMY—BAND OF THE GRENADIER GUARDS.—QUESTION.

THE EARL OF YARMOUTH asked the Secretary of State for War, Whether the Band of Her Majesty's Grenadier Guards have been ordered to proceed to-morrow to Liverpool for the purpose of embarking for the United States on duty; and, if so, whether the order was given by the Secretary of State for War before the sanction of Her Majesty or that of the Field Marshal Commanding-in-Chief or that of the Lieutenant Colonel of the regiment had been obtained; whether it is true that the Bandmaster has received, or was to receive, a large sum of money, and that every member of the Band was to receive extra payment, and if so, from whom; and, whether it was true that some Civilians had been permitted to wear Her Majesty's uniform and to go with the Band as bandsmen of the regiment?

MR. CARDWELL: It is true, Sir, that, in consequence of a request made through the Foreign Secretary by the Secretary of the United States Legation in London, permission was given to those who are conducting the International Musical Peace Jubilee in Boston to engage the band of the Grenadier Guards to take part in that festival. This Correspondence was held in September last.

Mr. Bonverie

The arrangements have been carried into effect under the direction of the Adjutant General of the Army. The sanction of Her Majesty was obtained on the submission of His Royal Highness the Field Marshal Commanding-in-Chief before any orders were issued to the band. I believe that the conductors of the festival propose to give extra payment to the bandmaster and the members of the band; but these arrangements are not within my official cognizance. In conclusion, I may say that no permission has been given to any civilians to wear Her Majesty's uniform.

TREATY OF WASHINGTON. TRIBUNAL OF ARBITRATION (GENEVA). THE SUPPLEMENTAL ARTICLE. OBSERVATIONS.

MR. GLADSTONE: Sir, I feel that after what I stated on Friday last, when I again asked for the indulgence of the House with respect to the Treaty of Washington, and when, after I had called the attention of the House to the fact, that the Session both of the Senate and the House of Representatives was to terminate to-day—thereby indicating that the demand made upon your patience could not be for any great length of time—the House will naturally expect to hear from the Government what we have to say to them, that day having now arrived. As regards the immediate point to which I then referred, hon. Members will have read in the newspapers the statement, which is quite accurate, that the Session of both Houses of the American Legislature has been prolonged from the 3rd to the 10th. That prolongation, I apprehend, is a matter entirely in their own hands, and we were not informed beforehand that it would be done. It, however, opens a door, and probably gives time to the Senate—if there be a disposition, even amid the great pressure of business which there as here attends the close of a Session—to revert to this subject; but I must leave hon. Members to appreciate the significance or importance of the fact as they think proper, because we have no official or absolute right to place any particular construction upon it, beyond what the statement itself conveys. I will not, however, confine myself to another appeal to the indulgence of the House, but will endeavour, so far

as the public interests involved will permit, to convey to the House some particulars respecting this important negotiation, which I trust will be so far of advantage that they will tend to obviate certain misconstructions which have evidently more or less possessed portions of the public mind. I will advert first to an isolated point—namely, to the publication of certain Papers in America, with regard to which we ventured to express our full belief that it was in no way due to the action of the American Government. That which we formerly stated as an opinion we are now entitled to state as a fact. I am assured that not only was the publication not due to the action of the Executive Government, but that it was not due to the action of the Members of the Senate; and if I am asked to what it was due, we are told that it resulted from what is termed “enterprise.” [*Laughter.*] The House can interpret that phrase for itself quite as well as I can, for it can well conceive the anxiety of the Press to supply and the public to receive what may be termed sensational information, and that there are persons ever on the search for means of affording it; and, accordingly, we presume that the vigour and ingenuity of some gentlemen engaged in that important profession were the cause and the means of what we thought—and indeed what all must have felt—on political grounds, to be an inconvenient publication. When the Article was published, an opinion was expressed in this country that its language was weak in that part which refers to what are known as the Claims for Indirect Losses, and that it would not preclude the prosecution of those claims before the Tribunal at Geneva. When I say there was an opinion to that effect, I am far from saying it was the opinion of the country; but it was an opinion which occurred to some to conceive, and I wish, therefore, without entering into any argument on the words themselves, to say these two things—in the first place, we have not proceeded with respect to those words without availing ourselves of the assistance of the best legal information and authority at our command, in order to assure ourselves of their purpose and significance. I may say that we had the assistance of my noble Friend the Lord Chancellor in the Cabinet, and the Law Officers of the Crown; only—speci-

fying a change which has recently taken place in the Law Officers of the Crown—in lieu of the officer who was formerly the Queen’s Advocate, we have now, as the legal adviser of the Foreign Office, Dr. Deane; and last, but not least, we have had the advantage of the assistance of my hon. and learned Friend the Member for Richmond (Sir Roundell Palmer) who, as the House knows, has accepted and discharged the office of Counsel to Her Majesty’s Government in regard to the prosecution of the Arbitration under the Treaty of Washington. The unanimous opinion of those legal authorities assured us of the sufficiency of those words to preclude the entertaining and prosecution of the Indirect Claims at Geneva; and I will venture to make this observation—some persons have supposed that the words “for the future,” which are contained in the previous portion of the Article are applicable to the engagement not to make any claim for Indirect Losses at Geneva. Now, that is not so. The words “for the future” are only applicable to what I think is the penultimate clause of the Article; and the engagement of the President, supposed to be undertaken in virtue and consideration of what has preceded, is not limited by any such condition as those words might appear to imply. That is the case so far as regards the view of Her Majesty’s Government, and the view of those on whom they rely for legal guidance as to the choice of terms and expressions. With respect, however, to that point—and it is one of importance—I feel justified in saying that, so far as our knowledge goes, we have not the slightest reason to believe that there is any difference of construction upon the two sides of the water in this matter. The House will bear in mind that telegraphic messages are, of necessity, less full of explanation than communications by post, and that, in fact, explanations are very rarely offered upon them until some challenge has occurred which makes it necessary; and there has been no challenge whatever indicating any difficulty or difference of opinion with respect to this phrase. I will, however, briefly describe the state of the case as we conceive it to be, and it may be of some interest to the House to hear it, because it will explain—perhaps more clearly than the Government have yet

done—the manner in which we came to effect a transition from the proposal which was first made to proceed with the American Government by an interchange of Notes to the other method of procedure—namely, by reference to the “treaty-making power” of the United States, which includes the Senate as well as the Executive Government. The state of the case, so far as we understand and believe, was this—and the House will be able from its knowledge of the Papers to a great extent to check what I say—The President held that the Indirect Claims were strictly admissible under the Treaty. The Treaty was a formal document, imposing certain obligations on him: it had been made and signed, as he deemed, in that sense, and therefore, although he conceived himself perfectly warranted in agreeing by an interchange of Notes not to press for compensation in respect to claims for Indirect Losses, yet he did not conceive that it lay within his discretion as Head of the Government to withdraw those Claims. It must be obvious that even the word “withdrawal” may perhaps be open—quite irrespective of the sensitive feelings with which it is regarded in America in connection with the Treaty—to a good deal of technical discussion, because the Claims exist in the American Case; and I apprehend that when public opinion in this country expresses a desire for “withdrawal,” what is really meant is that we wish to be secured from any further proceeding of any kind tending to a practical issue on the Claims, either in the shape of money or opinion, or any other shape being taken upon them. Well, Sir, the President felt that to proceed with those Claims in the manner which was thought necessary was beyond his discretion. He considered it could only be done by an exercise of the full “treaty-making power,” and it was for this purpose he expressed to us—we were not, indeed, at the first moment by telegraph apprized of the reason of the change—a desire that, instead of an interchange of Notes, the two Governments should proceed by a draft Supplemental Article, under which, for some sufficient consideration, the Government of the United States might make a declaration that they would make no claim for Indirect Losses, so that the Arbitrators should thereby be prevented

from entertaining such Claims. That is our view of the case and our belief is, that that is the sense which the American Government places upon the words—which sense does not appear to us doubtful—of the ultimate clause of the Supplemental Article; and I am authorized to say that that is the view which has been made known to the distinguished gentleman who represents the United States Government at this Court, and which has received his concurrence. The House will be pleased to understand a distinction which I am now very anxious to make between the real state of things and the impressions which have prevailed abroad. There has been a prevailing impression that the Correspondence which has been going on between the two Governments has been due to an attempt of some kind on the part of the American Government to procure the weakening, or dilation, of this covenant, whereby the President is supposed to undertake that he will make no claim for the Indirect Losses before the Tribunal at Geneva. That is not so. No such attempt whatever has been made by the President, and there has been no difference whatever between the two Governments as to the letter of that stipulation, nor, so far as we know, as to its spirit or construction. The subject of the communications between the two Governments, indeed, has been of an entirely different character. It has related to that portion of the Article which, very naturally, has not received by any means the same amount of critical attention from the public in this country as the closing and more immediately operative words, but which, notwithstanding, it is our duty, as it refers to an obligation to be undertaken, and to an effect in the practical policy of this country in time to come, to weigh and canvass with the utmost minuteness. In fact, the remaining question is altogether one of a prospective character. The House is aware of the general scope of the argument which the Government held with respect to the Indirect Claims inserted in the American Case. It is also aware of the disposition and desire of the American Government to generalize the expression of their argument, and to lay it down, as a principle for the conduct of future negotiations and the regulation of the relations between the two Governments; but the

Mr. Gladstone

very utterance of those words will show clearly that an attempt to generalize principles of that kind, and convert them into an engagement, is a matter which in the use of expressions requires the utmost possible care and circumspection. Well, Sir, perhaps I may be asked whether, as the terms of the Article are before the House, we are willing to make known the amendment proposed by the Senate, I having stated to what portion of it the amendment refers? In answering that question, I hope the House will not think it is due to any jealousy on our part, if we say we have come to the conclusion that it might not be expedient with reference to the state of things in America—certainly it would not be consistent with a due respect to the Senate and the Government of the United States—if the terms of the amendment were to be published by us. The House will be good enough to understand that there is no difference existing between us, or likely to exist, with respect to the method of the proceedings as to these Indirect Claims, which have formed the subject of very anxious discussion during the last few months—no difference—that is to say, presuming that we arrive at an understanding with respect to prospective engagements. But the immediate differences have reference entirely to the precise extent of that prospective engagement, which, it is obvious, is a very nice matter to express in words, and although we have been discussing the extent of that precise engagement to be expressed in words, we have no reason to believe that the variations of opinion—the divergences of opinion—which there have been on particular expressions, are referrible in any degree to the differences in aim and purpose of the two Governments. We venture, as far as the nature of telegraphic communications permits us, to believe the contrary; but, at any rate, we should be very wrong if we allowed it to be supposed on our authority that there was a real difference in the aim, purpose, and policy of the two Governments. The affirming of the engagement, and the extent of that engagement, as defined by its language, is the point on which our recent communications have turned, and that being so, I trust that what I have said, although I am far from thinking that it can draw forth or challenge in any manner the approval of the House

—which I wish it to be understood I in no degree or manner ask at the present moment—yet, if there be elsewhere uneasiness at the continuation of the negotiations, it may serve to allay that uneasiness, because that uneasiness undoubtedly has reference to the supposition that the continuance of the negotiations had reference to the whole subject of the Indirect Claims; whereas, in reference to that, the negotiations have not continued, inasmuch as no point of difficulty has been raised or suggested. I have taken the liberty of presuming on the indulgence of the House in offering to them this statement, which is a statement we think that our public duty requires we should lay at the present moment before the House.

MR. DISRAELI: Sir, practically speaking, the statement of the right hon. Gentleman amounts to this—that the negotiations which he had led the House to believe must terminate to-night, may be extended by the Government of the United States for another week, or until the 10th instant. But the right hon. Gentleman has not informed the House—and I think that under these circumstances, even independently of the anxiety of the House, it ought to be informed on the point—what arrangements are made or contemplated by the right hon. Gentleman with reference to our engagements under the Treaty of Washington which are due on the 15th?

MR. GLADSTONE: Sir, with regard to the engagement as to the proceedings at Geneva on the 15th of June, they are also, of necessity, the immediate subject of the communications now going on, and the only pledge I think the House will expect from me at the present time with respect to such communications, will be that all our proceedings will be in the strictest conformity and consistency with the assurances we have given to the House.

MR. HORSMAN: Sir, I am not quite assured that I correctly understood the right hon. Gentleman's statement. He says there is no difference of opinion between the two Governments as to their engagements—as to their aim, purpose, and policy. Now, I have understood the difference to be this—that the British Government has insisted that the Indirect Claims did not fall under the Treaty, and could not be submitted to arbitration;

and that the Government of the United States, on the other hand, insisted that the Indirect Claims did come under the Treaty, and that the President, to use the words of my right hon. Friend, had no discretion to withdraw them; and the language of Mr. Fish, as we have seen, has been clear, consistent, and resolute on that subject. Now, the Question I have to ask is, whether or not Her Majesty's Government has any reason to suppose that the Government of the United States is at all disposed to withdraw from the position which Mr. Fish has stated—namely, that “concessions by the British Government must precede any settlement of the question?”

MR. GLADSTONE: Sir, I did not imply in anything I have said to the House that the United States and the British Government had arrived at a complete understanding on those questions which they have been debating during the last four or five months. My right hon. Friend is aware that the object of the Supplemental Article is to bring the matter to a controversial issue by striking out a new path to obtain the end we have in view. In fact, as he will remember, the existing differences with regard to the scope and aim of that Treaty are set forth in the Supplemental Article itself, and the endeavour is to escape from them, rather than to solve them, by a new mode of procedure. I think, then, that in what I have stated, I have stated pretty accurately the view that we take of the bearing of the Supplemental Article on the Indirect Claims. The President, by the Supplemental Article, engages, of course, contingently upon the conclusion of the Supplemental Article—and, therefore, upon the settlement of all the matters which it contains—that he will make no claim in respect of Indirect Losses at Geneva. Those words we understand to bear no meaning except one, and that is—that Claims for Indirect Losses shall not be prosecuted before, or entertained by, the Arbitrators at Geneva. The American Government has signified to us no different construction of those words. We have made known our construction of them to the American Minister at this Court, and he assures us that it is his construction also, and that it is consistent with the construction put upon them by the American Government.

Mr. Horsman

MR. OSBORNE: Sir, I, for one, acknowledge the delicate situation in which Her Majesty's Government are placed, and therefore I do not intend to enter at length into the subject; but, at the same time, when the right hon. Gentleman talks of the sensitive feeling in America, I think he ought to recollect that there may be a sensitive feeling in this country, and that, so far as his explanation of the matters in hand goes, it is directly at variance with the Papers which we have seen, both private and confidential correspondence, and also with the Papers, No. 7, which have been issued this morning. I cannot therefore but say that I think the explanation he has given to-night has told us really nothing to the point. How far the House is prepared to accept this statement of the right hon. Gentleman as an explanation it is not for me to say; but I think the House will hardly be doing its duty to the country if it is satisfied with the very meagre explanation given on behalf of Her Majesty's Government as to what they intend to do at Geneva on the 15th of June. I hope this House will not be satisfied, but that they will extort, if it be necessary, from Her Majesty's Ministers something more direct, to the effect that they will refuse utterly to go into any arbitration at all, unless these Indirect Claims are fully, fairly, and at once withdrawn. We have had a long statement from the right hon. Gentleman. He has covered a very small matter with a great quantity of words; but I very much doubt whether, when that explanation goes forth, it will give satisfaction to the sensitive feeling of the people of this country. The matter has now arrived at a direct issue, and I call upon all those hon. Gentlemen who have the true honour of this country at heart not to be satisfied with the bare explanation given by the right hon. Gentleman about going into arbitration on the 15th of June, although the right hon. Gentleman says that the policy of the Government will be in conformity with the principles they have hitherto announced. I have not such confidence in the expressions or actions of the Government on the subject as to induce me to receive that promise. I hope therefore the right hon. Gentleman or some Secretary of State will give us a more direct pledge on this question, and tell us that Her Majesty's Government will not go into arbitration,

unless these Indirect Claims are fully, fairly, and explicitly withdrawn.

Motion made, and Question proposed, "That this House do now adjourn."—*(Mr. Osborne.)*

MR. BOUVERIE said, he did not wish to prolong this discussion, but he wished to ask one Question, and to make one observation. He wished to ask the right hon. Gentleman, Whether, as he had referred to and quoted the Supplemental Article, according to rule the Supplemental Article should not be laid on the Table of the House? The observation he wished to make was this—he heard with great alarm his right hon. Friend say that he and his Colleagues had an understanding as to what was the meaning of the stipulation of the Supplemental Article. [MR. GLADSTONE: No, no!] He was in the recollection of the House that the right hon. Gentleman said—"We understand what is the meaning of the stipulation of the Supplemental Article, and we have an assurance from the Minister of the United States at this Court that that is the correct understanding," Now, as far as they knew of that transaction, a great deal of the difficulty had arisen from a similar state of things—an understanding on our part as to what was the meaning of an ambiguous clause, and the same assent, verbal or otherwise, on the part of the United States Government—that that understanding—which subsequently was departed from—was the right one. It had been said, but he did not know with what truth, because they could not get at the bottom of it, that that was the origin of all this difficulty, and therefore he said it was with considerable alarm that he heard the statement of his right hon. Friend; and he would entreat the Government not to be satisfied with a mere verbal assurance of the Minister of the United States, as to what was the meaning to be put upon this stipulation, but to have a distinct recognized acknowledgment on the part of the Government of the United States as to the meaning which they, in common with our own Government, put upon it.

VISCOUNT BURY: Sir, whatever may be the meaning of "the understanding" which has been arrived at between Her Majesty's Government and the United States with regard to the Supplemental Article, one thing, at least, is clear from

the statement of the right hon. Gentleman, and that is, that at the present moment the Indirect Claims are not definitely withdrawn. It was therefore well said by the hon. Gentleman who spoke behind me (Mr. Osborne) that Mr. Fish, in the whole of his diplomatic correspondence, had never held out one single hope that the Indirect Claims should be withdrawn from the consideration of the Arbitrators at Geneva; and, therefore, when the country heard that a renewal of the negotiations had been entered on by Her Majesty's Government, it was received universally with a feeling somewhat akin to dismay. And not only that, but the position of the country—that we should never even discuss the Indirect Claims has been gathering strength day by day, and a Notice of Motion has been put on the Notice Paper of "another place" by that veteran of British statesmen, whose conduct through the whole of this matter, from the time of the escape of the *Alabama* until now, has, at any rate, been manly, patriotic, and intelligible. This House, too, with great self-denial, has hitherto refused to discuss the subject now before us; but I suppose that Her Majesty's Government will recognize the fact, that it is impossible to impose permanent silence upon us, and I rise accordingly for the purpose of saying that it is my intention to put upon the Paper of this House a Notice, similar in its terms to that which is to be moved by Earl Russell in "another place." I do so, as Earl Russell has stated that he does, not from any dislike to the Treaty, or any wish to embarrass the Government; not from any dislike to the Treaty, because a treaty of amity between this country and the United States must be most valuable—but it may be too dearly bought; and not from any hostility to the Government, because I believe that in discussing this matter we should not embarrass them, but rather strengthen their hands. In fact, the progress of these negotiations from the beginning, if it has shown us as anything, has shown us this—that we have been willing to concede too much, and that every concession has only evoked from the Americans renewed and increased demands. Anyone who knows American character will thoroughly understand why that is. Our concessions were regarded not as friendly conces-

sions, but as proofs of weakness; and therefore continued negotiations have been constantly drawing us from our ground, while the Americans have held firm to the original propositions which they laid down. But if we had taken a more decided line, and, to use an American phrase—"put our foot down more firmly," we should have been far more likely to conclude the Treaty, than by allowing American politicians to suppose that we were in any respect squeezable. If this matter were discussed in this House—as I know it would be—in a quiet, calm, gentlemanly spirit, so far from embarrassing the Government we should strengthen their hands; we should do so by distinctly repudiating the Indirect Claims by a vote of this House, and by stating that this country will not under any circumstances allow them to come before the Arbitrators for discussion. In the present state of Business and of the Notice Paper it will be impossible for a private Member to bring forward such a Motion without the concurrence of the Government and their assistance. I am in the hands of the Government and the House; but I cannot suppose that they will not be willing to give every facility for bringing the subject forward at the proper time. I beg to give Notice that I intend to place the terms of my Resolution on the Notice Paper to-night.

Mr. PERCY WYNDHAM: Sir, I understand the right hon. Gentleman has stated the position of affairs to be this—that Her Majesty's Government and the Government of the United States are now perfectly agreed that the Indirect Claims are not to go before the Arbitrators at Geneva on the 15th of June. Now, that is an important statement, and it would be a satisfactory one except for what has occurred before in relation to this business. What we want to know is, not only whether they are not to go before the Arbitrators on the 15th of June, but whether they are distinctly "and unconditionally" withdrawn? If this concession has been made, and if those claims are not to go before the Arbitrators on the 15th of June, on account of the sacrifice of some prospective rights which this country may have at a future time, then the statement we have heard to-night is not satisfactory. I trust, therefore, before this discussion closes that we shall

Fiscourt Bury

hear that the reference is not limited to the 15th of June, but that the Indirect Claims are entirely withdrawn in substance and form, and that this has been done not by any compromise of the rights of this country on a future occasion.

Mr. OTWAY: Sir, I am not desirous of saying anything to embarrass the Government, nor do I blame them for any arrangement they may make, provided always that arrangement be one which is consistent with the honour and interests of the country and with the engagements which Her Majesty's Government have made with this House; nor should I have said one word on this occasion had it not been for a statement made by the Prime Minister, which seems to me to be one of great importance. If I understood the right hon. Gentleman rightly—and, I say it respectfully, it seemed to me exceedingly difficult to understand him—the position is this—The right hon. Gentleman and his Government have maintained that there was nothing in the Treaty which justified the Government of the United States in bringing what are known as the Indirect Claims before the Arbitrators at Geneva. An opinion, however, entirely opposed to that has been maintained by the United States' Government. The right hon. Gentleman, if I understood him rightly, stated to the House this afternoon that the country would be mistaken if it supposed that the difference now existing with the United States referred to that matter, for the sense of the speech I take to be this—that an understanding could be arrived at on the matter between the two Governments, provided they could agree on some prospective arrangement for some consideration which was to be given in return. Let me ask the House one moment to consider what an important statement that is. We have not been fortunate hitherto in our negotiations with the United States in this matter, and the word of warning which I wish to utter to this House is this—that we are incurring a danger far greater than that which we have already incurred, if we are about to enter into a fresh engagement with the United States as to some prospective consideration, by means of which an arrangement may be come to between the two Governments on the all-important point on which they now

differ. The question which I wish to ask now, if the right hon. Gentleman will be kind enough to answer it, is, Whether any proposition on this matter has been made by Her Majesty's Government to the Government of the United States; and, if so, whether that proposition has been accepted or not by the Government of the United States?

MR. GREGORY: There is one other point, Sir, to which I wish to call the right hon. Gentleman's attention. It is admitted on all hands that the Supplemental Article is not in itself a withdrawal of the Indirect Claims; but the right hon. Gentleman states that the construction put on it by his Government is that it amounts to a withdrawal of those Claims, and that that construction is acquiesced in by the American Minister. What I want to know is, Whether that acquiescence of the American Minister is in writing, and in such form as to bind the Government of the United States, or whether it is one of those verbal—I cannot call them understandings but misunderstandings?

MR. SINCLAIR AYTOUN: The hon. Member for West Cumberland (Mr. P. Wyndham) asked whether this was the position of the case—that the Indirect Claims were not to be pressed either on the 15th of June or at any future time. The question which I want to ask is this—Do Her Majesty's Government make it a condition of allowing the reference to arbitration to proceed, that it is understood and admitted by the American Government that the Arbitrators have no power to inquire into Indirect Claims of any kind whatever? Is that the understanding, or is it not?

MR. GLADSTONE: Sir, the Questions and points that have been taken up by various Members are a little promiscuous, but I will endeavour to answer them in as intelligible a manner as I can. My right hon. Friend the Member for Kilmarnock has, I think, stated that I have said we had “an understanding” with the Government of the United States as to the meaning of certain words. That was one of the points which I contradicted, and then he appealed to the recollection of the House.

MR. BOUVERIE: What I wished to say was, quoting the words of the right hon. Gentleman, that the Government here understood what was the

meaning of the Supplemental Article, and they had the assent of the Minister of the United States to that understanding; but I spoke in reference to the understanding which everybody now knows that there was as to the meaning of the Treaty of Washington.

MR. GLADSTONE: I am quite satisfied with the words of my right hon. Friend; but the understanding on the Treaty of Washington was this—that the Government had come to an understanding as to a certain Treaty and the covenants of it, though the covenants were not expressed. That is quite a different matter. I am satisfied with the words of my right hon. Friend. We do not find fault with them as being incorrect, but they are not quite complete. The state of the case is this—We believe the words to be perfectly distinct. They have not been challenged in any manner on the other side of the water; but there has been criticism upon them on this side of the water, and it is with reference to that criticism, and not to any international controversy, that I mentioned that we had fortified ourselves by obtaining the best legal advice at our command. We likewise stated our view of the matter to the American Minister, and the American Minister distinctly concurred in the view stated by Her Majesty's Government. [MR. GREGORY: Was that concurrence reduced to writing?] I am coming to that point. That is the statement I made, and I hope it is intelligible. The hon. Member for Sussex asks whether it was reduced to writing. Certainly, we have not thought it necessary or becoming, when the American Minister stated his view on a particular subject, to say to him—“Will you be kind enough to put that view in writing?” But Lord Granville has taken care to record the effect of that conversation, and to ascertain by the usual and proper means that the record is correct. My hon. Friend the Member for Kirkcaldy asks whether we are making any stipulation with respect to the power of the Arbitrators at Geneva to entertain the Indirect Claims? Sir, that is no part of the subject-matter of the present negotiations. We have our own view of the powers of the Arbitrators, and when the occasion arises, it will be our duty to act on that view; but it is no part of the present negotiations to discuss the question of the power of the

Arbitrators. My hon. Friend the Member for Chatham—though I think he has misapprehended the word I used—was perfectly justified in putting without Notice the Question he has addressed to me. He is very much alarmed at the phrase “consideration” employed by me, and seems to think there is to be some price not expressed or brought to the knowledge of the public, and which is to be paid by us to the American Government as an equivalent for the surrender of the prosecution of the Indirect Claims, or in other words, for a practical reduction of those Claims to a nullity. Now, no such matter is in reserve at all—nothing is in reserve. The word “consideration” was used by me, entirely for the reason that it had passed into conversation, and is so recorded in the communication between Lord Granville and the American Minister; the “consideration” being that expressed in the Article—it is a covenant for the future, and is strictly reciprocal between the two countries. I hope by that explanation I have removed any apprehension on that point from the mind of my hon. Friend. Then, my hon. Friend the Member for Waterford challenged me upon the question whether, under any circumstances, we should consent to allow the Indirect Claims to be prosecuted at Geneva. With respect to that all-important subject, I do not think this is the proper moment to enter upon it. It formed the subject of discussion before the Whitsuntide Recess; it was referred to in the terms of the Queen’s Speech, and I indicated the sense we placed upon those terms. We then referred to the single and separate views of the British Government; but we are now engaged in negotiation, endeavouring to express the combined view of the two Governments, and while we are so negotiating it would be, in my opinion, madness—it would certainly be a gross breach of duty—on the part of Her Majesty’s Government, if they were to choose that moment for going back to the expression of their separate views. Should we fail, however, to concur with the American Government, then will be the time when it will be right to state the separate views of Her Majesty’s Government. There is but one other matter to refer to. My noble Friend the Member for Berwick says he will give Notice of a Motion relating to this important

Mr. Gladstone

question, with a view to strengthen the hands of the Government; but he says that as a private Member, he has no power of introducing any such question to the notice of the House, and, consequently, he hopes the Government will, as it is called, “give a day” for that purpose. Sir, I cannot accede to such a request. I cannot accede to the doctrine that private Members have no means of introducing subjects in which they are interested to the notice of the House, though I admit there is a degree of competition between them as to the particular subjects they wish to bring forward. In the present state of things, however, I do not think it would be consistent with my duty to interrupt the course of Business, in order that the House might discuss the Motion proposed by my noble Friend.

MR. GOLDNEY: I gather from what the right hon. Gentleman has said that he will have no objection to lay the Supplemental Article upon the Table; but we have had no distinct assurance to that effect.

MR. GLADSTONE: As a matter of form, the House is in possession of the Supplemental Article; but it is a point on which I should like to consult my noble Friend the Secretary of State for Foreign Affairs, and I will answer the question to-morrow.

Motion, by leave, *withdrawn*.

PARLIAMENT—SITTINGS OF THE HOUSE.

MR. GLADSTONE moved that, whenever the House shall meet at two o’clock the Sitting of the House shall be held subject to the Resolutions of the 30th of April, 1869.

LORD JOHN MANNERS said, he presumed that nothing in this Resolution would preclude the House from considering the question whether the House should in future sit at two o’clock on Tuesdays, Government Business being taken at the Evening Sitting.

MR. GLADSTONE replied in the negative.

Motion *agreed to*.

Resolved, That, whenever the House shall meet at Two o’clock, the sitting of the House shall be held subject to the Resolutions of the House of the 30th day of April 1869.—(*Mr. Gladstone*.)

SUPPLY.—CIVIL SERVICE ESTIMATES.

SUPPLY—*considered* in Committee.

(In the Committee.)

(1.) Motion made, and Question proposed,

"That a further sum, not exceeding £846,100, be granted to Her Majesty, on account, for or towards defraying the Charge for the following Civil Services, to the 31st day of March 1873:"
vis—

[Then the several Services are set forth.]

MR. BAXTER, in asking for a further Vote on Account, said, he was not surprised at the indisposition on the part of the House to permit these frequent Votes on Account, instead of going on with the consideration of the Votes in detail. There was a natural feeling that the new system to some extent committed the House to the principle involved in the various Votes, and that it might have a tendency to delay the consideration of the Civil Service Estimates to the close of the Session. The explanation was, that up to the time of the passing of the Exchequer and Audit Act, the balances upon the various Votes were applicable to the current expenses of the year, and consequently it was within the power of the Government to go on till a late period of the Session without going into Committee of Supply. All that, however, had been changed. The provisions of the statute he had cited were of the most rigorous character. On the 31st of March, or the day after, every shilling of surplus upon the Votes had to be surrendered into the Exchequer, and consequently the House of Commons must take one of three courses, either pass the whole of the Civil Service Estimates on the 1st of April, or vote money on account, or repeal the Exchequer and Audit Act. The Government were urged very strongly last year, by several hon. Gentlemen opposite, to bring in the Estimates at the commencement of the Session, and to pass them on without delay. That would, however, be, in his opinion, an extremely unwise as well as unconstitutional course. Arbitrary and despotic Governments in former times were anxious to have recourse to that mode of proceeding, and when Supply was obtained Parliament was prorogued. Things had, however, greatly changed, and the principal part of the Session was now devoted to legislative business. That being so, the best course, he contended, to pursue was, to

pass Votes on Account, and thus furnish the time which would enable the House to make progress with the legislative business before it. The Government, in adopting that course, were simply following the recommendation of the Select Committee, and he begged hon. Members distinctly to understand that it was the intention of the Government to avail themselves of every available opportunity which might present itself to go on with the consideration of the Estimates in detail. They intended to have proceeded with them last Friday, and would probably have succeeded in obtaining a good many Votes had it not been for the unexpected length of one of the discussions which preceded Supply. Under these circumstances the House would, he hoped, have no difficulty in assenting to the Vote for which he now asked.

MR. ASSHETON CROSS said, he would not trouble the Committee with any observations on the Audit Act, but he must protest against the growing practice of the Government in taking Votes on Account and not giving the House proper time for the discussion of the Votes in Supply. It certainly was not the intention of the Legislature when the Act to which he had just referred had been passed, that Supply should be stifled. Let hon. Members look at the position in which matters now stood. It was now the 3rd of June, and the House had sat in Committee of Supply eight days since the commencement of the Session. There were still four most important Votes connected with the Navy to be passed which would take some time to discuss. Only one Vote for the Army had been agreed to, seven for the Civil Service, and not one at all in the Miscellaneous Estimates. That, he was sure, the House could not regard as a very satisfactory state of things; and if the answer of the Prime Minister with respect to the course of Business the other evening were taken into account, hon. Members would, he thought, be of opinion that it was quite time some remonstrance should be made against the mode in which Supply was treated. The Scotch Education Bill and the Mines Regulation Bill were no doubt very important measures; but the taxpayers of the country ought to have some assurance that the House of Commons, who held the purse-strings of the country, would not neglect their interests.

Entertaining those views, he begged to give Notice, that if a further Vote on Account were asked for, at all events until much greater progress was made with the Estimates, he should oppose it.

MR. RYLANDS said, he must express his regret that his hon. Friend had not carried out on the present occasion the resolution which he announced last year, to oppose Votes on Account at so late a period of the Session. Last year there might have been some slight excuse for the Government taking a Vote on Account on the eve of the Whitsuntide holidays, but they had no such excuse to offer that evening. He should be glad, he might add, to see Monday nights taken by the Government for Supply, and they might do so the more easily now that they were about to have Tuesday and Friday mornings at their disposal, for the purpose of making progress with legislative measures. To ask for a Vote on Account for four weeks from the present time, meant simply that Supply was to be postponed until the heat of July arrived, and many hon. Members would be leaving London. As to taking Supply at odd scraps of time, he entirely objected to it; for when it was fixed for Friday evenings, for instance, when other Business was before the House, it was impossible for hon. Members to know whether it was to come on or not. There seemed to be an opinion growing up that no practical good resulted from discussion in Supply; for the result was that when Votes were discussed hon. Members were told that they were only wasting time, and that if they wanted to effect a reduction in expenditure they must propose a Motion in general terms with that object. But when such a Motion was proposed, the Chancellor of the Exchequer immediately got up and said that it was all very well to raise grand discussions of that kind, but what the Government required was the assistance of hon. Members in Committee of Supply. Well, he, for one, wished to render that assistance, and he was reluctant to believe that the House of Commons would willingly relinquish one of its most important functions. The Civil Service Estimates, he found, were gradually increasing, for they now exceeded by £1,000,000 the amount for 1869, an increase which he did not think was at all satisfactory to the country.

Mr. Assheton Cross

MR. GLADSTONE said, the grant asked for was required to meet the honourable engagements of the country. A day or two hence the money would be absolutely wanted, and if any question could arise upon the matter, it was a question affecting the conduct of the Government. The Government time was but a fixed quantity, and he regretted that that debate had arisen, for it tended to delay the Scotch Education Bill longer than was necessary. He hoped, however, within the course of the next four weeks to make considerable progress in Supply. The hon. Member for Warrington should remember as regards the employment of Mondays, that the Ballot had hitherto occupied the attention of the House on that day.

SIR LAWRENCE PALK said, a postponement of Supply for the purpose of passing some great political measure was an unconstitutional mode of proceeding, for the primary object for which they had been sent to Parliament was to check expenditure; and, probably, if Supply had been taken earlier last Session there would have been a discussion on the American Treaty, which would have had the effect of preventing England from being placed in her present humiliating position. He thought the Committee would be perfectly justified, under the circumstances, in refusing to give the Government more than half the amount now asked for.

MR. CANDLISH said, he could well understand hon. Members opposite objecting to the postponement of Supply, because it had been postponed in favour of a measure which was unpalatable to them; but he could not understand the motives of the hon. Member for Warrington, because the time had been employed in furthering a measure which he was anxious to see passed. Would he have had the Ballot Bill postponed for a single night? ["No!"] Well, that was the main measure of the Session, and they had been engaged on it night after night.

LORD JOHN MANNERS said, it had been a leading argument of the Prime Minister with regard to Supply, that important Votes should be discussed on their merits; but, instead of that, the House were asked to take a Vote on Account. The position of the right hon. Gentleman—that it was the primary business of the Government to conclude

its legislative programme before asking for Votes in Supply, was a startling and novel doctrine; and he hoped the House would never tolerate anything so mischievous as that political measures were to be allowed to occupy the time of the House almost exclusively until the close of the Session, and that then the Estimates were to be hurriedly pushed through Committee without criticism or comment.

MR. DILLWYN said, he must agree that the way in which the Estimates were "shunted" till the fag-end of the Session made the control of the House over them a perfect farce. He had a Motion on the Paper to strike off altogether the Vote for the office of the Privy Seal—an office not of the slightest use, and one, therefore, which ought to be abolished. Now, however, the Government were taking a sum for that sinecure office, thus forestalling by their Votes on Account the Motions of private Members. If this Vote on Account were granted, he was afraid at the end of a month they would be told the same story and be asked for another Vote on Account. Instead of giving a whole month's Supply, he would suggest that the House should only give half that amount, which would be quite enough. He would, therefore, move to reduce the Vote by the sum of £423,050.

Motion made, and Question proposed,

"That a further sum, not exceeding £423,050, be granted to Her Majesty, on account, for or towards defraying the Charge for the above-mentioned Civil Services, to the 31st day of March 1873."—(Mr. Dillwyn.)

MR. BAILLIE COCHRANE said, he understood the Prime Minister to say that the Scotch Education Bill was to be carried on *de die in diem* at Morning and Evening Sittings. Did he know then there were no less than 30 pages of Amendments in that Bill; and did he not think it would be better to withdraw a Bill which uprooted the established system of education in Scotland, and which was very unpopular, than to postpone Supply?

MR. GLADSTONE said, he had not stated that, as against Supply, he would go on with the Scotch Education Bill *de die in diem*. He hoped that the House would be able to get through that Bill in the present week.

MR. GOLDSMID said, they had the prospect before them of being again asked late in July at 3 or 4 o'clock in the morning to vote away millions of the public money when discussion was out of the question. Instead of doing that, it would be better to vote the Estimates *en bloc* in one evening, and not trouble themselves any further about the matter. The plea as to the Scotch Education Bill might equally apply to a dozen other Government Bills, and they might go on indefinitely giving Votes on Account. He should support the proposal of the hon. Member for Swansea.

MR. HERMON asked the Secretary of the Treasury, whether the House, by agreeing to that Vote on Account, would be precluded from striking out of the Estimates at a later period any particular item which might be deemed objectionable?

MR. BAXTER said, hon. Members would not be bound to agree to any particular item; but were now merely asked to vote a sum on account of the whole Vote.

Question put.

The Committee divided:—Ayes 127; Noes 202: Majority 75.

Original Question put, and agreed to.

(2.) Resolved, That a further sum, not exceeding £42,000, be granted to Her Majesty, on account, for or towards defraying the Charge for the Post Office Telegraph Service, to the 31st day of March 1873.

House resumed.

Resolutions to be reported *To-morrow*, at Two of the clock;

Committee to sit again upon *Wednesday*.

EDUCATION (SCOTLAND) BILL.—[BILL 31.]

(The Lord Advocate, Mr. Secretary Bruce,

Mr. William Edward Forster.)

COMMITTEE.

Bill considered in Committee.

(In the Committee.)

Preamble postponed.

Clause 1 (Interpretation of Act).

MR. GORDON said, he would suggest that, as his hon. Friend the Member for Greenock (Mr. Grieve) and himself had placed Amendments upon the Paper, involving questions of principle which would arise on the clause, and as the Preamble had been postponed, it would be better to postpone the consi-

deration of those principles until other portions of the Bill had been disposed of.

THE LORD ADVOCATE said, the question was between the scheme of the Bill, part of which was the establishment of a Government Department to be called "The Scotch Education Department," and the scheme of his hon. and learned Friend the Member for the Universities of Glasgow and Aberdeen (Mr. Gordon), which was the establishment of a statutory Board of Education in Scotland. That was a question which must be discussed at a very early stage, and from the best consideration he was able to give to the subject, he thought that question might be as conveniently discussed now as at a later period of the discussion on the Bill.

MR. GRIEVE, who had an Amendment on the Paper substituting a Board of Education for Scotland instead of the Scotch Education Department, said, the question resolved itself into the simple issue—whether they were to have an Education Board for Scotland, or whether they were to have the educational affairs of that country managed by a Committee of the Privy Council. He believed he expressed the feelings of the people of Scotland generally, when he said that they were greatly in favour of a Board in Scotland. A short time ago, about 35 Scotch Liberal Members had an interview with the right hon. and learned Lord Advocate with regard to the Bill, and the right hon. and learned Lord then said that if his (Mr. Grieve's) Amendment, or that of the hon. and learned Gentleman opposite (Mr. Gordon) were carried, he should consider it fatal to the Bill; but that, as he was willing to consult the feelings of the people of Scotland, he was disposed to recommend that a Commission should be appointed to sit in Edinburgh, and to continue in existence four or five years, to put the Bill into working shape. If that Commission were properly constituted, it would, to a great extent, satisfy him (Mr. Grieve), for he confessed he would rather have the Bill pretty much as it stood, than no Bill at all. He trusted that the right hon. and learned Lord would be explicit on this point. For these reasons he preferred to withdraw his Amendment, and allow the issue to be taken upon that of the hon. and learned Member for the Universities of

Mr. Gordon

Glasgow and Aberdeen; and the course which he should himself afterwards take would depend upon the explanation which the right hon. and learned Lord would give of the intentions of the Government in the matter.

THE LORD ADVOCATE said, he should, of course, abstain as far as possible from offering the same explanation twice over to the Committee upon a subject so important as that brought under the notice of the Committee by his hon. Friend the Member for Greenock. ["Order!"] He asked the indulgence of the Committee while he expressed his obligation to his hon. Friend for the considerate course he had taken.

LORD HENRY SCOTT rose to Order. He understood the hon. Member for Greenock to withdraw his Amendment. [An hon. MEMBER: He never moved it.] Then, he should like to know what question was before the Committee?

THE LORD ADVOCATE said, he only wished to make a remark in courtesy to his hon. Friend.

MR. GORDON in rising to move, as an Amendment, in page 2, to leave out lines 5, 6, and 7, and insert "Board of Education shall mean the Board of Education for Scotland constituted in terms of this Act," said, that he could not understand how the Representatives of Scotland could allow themselves—and he trusted they would not allow themselves—to be influenced in this matter by the consideration that any Amendment for the establishment of a Scotch Board would be regarded as fatal by the Government. It was their duty to make as good a Bill of that as possible, and to make it as palatable to the people of Scotland who were to be placed under its operation as they could, consistently with justice to other parts of the United Kingdom. The question was a very important one, being neither more nor less than this—What was the proper body to superintend education in Scotland? Was it to be a Board in Scotland, or a branch of the Privy Council in England? The people of Scotland were unanimous in the answer they had given to that alternative. The Scotch people required that there should be a Board of Education established in Scotland for the purpose of carrying out the Bill. What was the evidence of that? The fact that the Established Church, the Free Church, the United Presby-

terians, however they might differ upon other matters, were all agreed upon that point; so, also, were the Universities of Scotland, and surely they were bodies well qualified to express an opinion on the subject. They thought that if there was not a Board of Education established in Scotland, the system of education which had hitherto existed in their parish schools would become deteriorated to such an extent that the people would no longer derive the blessings from these schools that Scotland had hitherto enjoyed. Then, all the schoolmasters of Scotland were clearly of that opinion. They had Petitions from 220,000 people who required a Scotch Board as one of the essential provisions of the Bill; while they had not 4,000 who approved of the Bill generally without such a provision. In 1854 and 1855 a Bill was introduced by Her Majesty's then Government, containing a provision for a Board of Education in Scotland very much of the same representative character as that provided for in his Motion. The Scotch Commission was, however, appointed in 1864, who took two or three years to consider this question. They were men of different ecclesiastical bias, and were unanimous in the opinion that there should be a Board of Education for Scotland, and they recommended that it should be of a representative character. Then, again, the Bill of 1869 was introduced by the Duke of Argyll in the House of Lords—and he (Mr. Gordon) ventured to say there was no person better entitled to express an opinion of the feelings of the people of Scotland on the subject of education than that nobleman. Well, the Duke of Argyll's Bill contained a representative Board, and his Grace said he had heard differences of opinion as to whether the Board should be vested in a Department of the Government or in a separate Board, and for his part he could not conceive that any doubt should be entertained on the subject by those who had looked into the matter; and it was for that reason that the Commissioners expressed their opinion that the Board should be a representative one, embracing various great interests, including the county and burgh interests; that of higher education represented by two members chosen by the Universities of Scotland; the schoolmasters themselves by one; and that

two should be nominated by the Crown. The question was ultimately settled by admitting the principle that there ought to be a Scotch Board, but that the members should be nominated by the Crown. When the Bill came down to this House, however, there was an enlargement of the members, and it was proposed that some of them should not be paid. [Mr. M'LAREN: The Law Officers of the Crown were added.] He had not the least objection to that; but was of opinion that it would be hopeless to expect that the right hon. and learned Lord would have the time to discharge any of the duties. In the House the principle of a Scotch Board was supported by the Lord Advocate of the day (Lord Moncreiff), though he expressed his regret at the alteration by the present right hon. and learned Lord, and by the right hon. Gentleman the Vice President of the Board of Education, who pointed out at the same time that it would be advantageous to have the two matters of the administration of the Parliamentary grant and the money derived from the rates kept perfectly distinct. In England schools were under the administration of the Privy Council, and the reason for that was that the original administration of the National Schools in England was under the Privy Council. One reason why Scotch schools should not be subjected to the management of the Privy Council was, that the system of education in country schools in Scotland differed essentially from the system of education in England, and so difficult had it been for the Privy Council to work the Scotch system that in 1862 it was resolved that the Revised Code should not extend to Scotland. In fact, the feeling in Scotland was strong against the adoption of the Revised Code of 1862, and till the present time the schools in Scotland were under the Code of 1860. Now, some of those who were educated under the Scotch system had distinguished themselves by getting the highest position in the English Universities, and last year a gentleman who had been educated at a parish school, and had become a professor of Hebrew, was selected as one of those who sat on the revision of the Bible. But the Privy Council system, which was a mere elementary system, would, if applied to Scotland, have a most deleterious effect on the education of the schools, and that

was the opinion of men of all kinds of politics; and in confirmation of that opinion, he had received representations from Professors and from Universities, who felt satisfied that unless there was a Board in Scotland, the people of that country would be subjected to very prejudicial influences in regard to that education which they had hitherto enjoyed. But what was the case with respect to Ireland? Ireland could make herself heard; her Members always stood up for her rights, and he wished very much that Scotch Members would imitate their example, and give effect to the opinions—the unanimous opinions of the people of Scotland. A Commission was issued three or four years ago to inquire into the state of education in Ireland, and to report whether any improvement could be made in the Board who administered it. That Board consisted of 20 members—10 Protestants and 10 Roman Catholics—and, with respect to it, the Commission reported that they had come to the conclusion that, at present, it was the best plan to preserve the Board as a representative and consultative body. It had been said that there would be a jealousy on the part of other Boards in Scotland, on account of the formation of a new one for this purpose; but the Report of the Committee of the Poor Law of Scotland expressed its highest satisfaction at the existing Board of Supervision, and there was even some notion of extending its powers, if found expedient. He therefore asked why, if the House of Commons trusted Irishmen with more than £400,000 a-year for the purposes of national education, they could not trust Scotchmen as well? They did not want to interfere with the financial affairs of the Privy Council; but what they wanted was that they should have—as they had always hitherto had—a managing body at the head of education in Scotland. It would be an injustice to Scotland if it did not get a Board; and he should like to know what there was to prevent the Government from returning to the principle on which they proposed to legislate in 1869, and their predecessors in 1854? He was asking the Committee now to vote on the question that there should be a Scotch Board, and it would be a subsequent question how that Board should be constituted. He, however, would propose that the Board should be

Mr. Gordon

constituted as follows:—Two persons to be chosen by the conveners of counties, as representatives of the country; two persons to be chosen by the Provosts of Royal and Parliamentary burghs; one by each of the four Universities; one by the Educational Institute of Scotland; three by Her Majesty, one of whom should act as Chairman; and he had no objection to add the Lord Advocate and Solicitor General of Scotland as *ex officio* members. But he was now asking the Committee to vote not upon the constitution of the Board, but upon the question that there should be such a Board in Scotland, leaving its constitution to be afterwards determined by the House, and, in his view, it would be unjust to withhold it. He regretted that he was obliged to bring the Motion on without having had the advantage of hearing the views of the right hon. and learned Lord Advocate upon it—the forms of the House not permitting him to give such explanation on the second reading. He could not help thinking that the right hon. and learned Lord would be in favour of adopting a principle which he adopted in 1869, and which was adopted by his predecessor, and adopt his Amendment, which was—

“That such proposal shall mean a Board of Education in Scotland, constituted in the terms of this Act.”

Hon. Members, however, would not, by voting for the Amendment, pledge themselves to the approval of the constitution of the Board as he should thereafter propose it; and all he wanted was an affirmation of the principle that the Scotch system of education should be watched over and managed by an Education Board in Scotland. That was a proposal which ought, at least, to receive the sanction of Scotchmen. He had every confidence that the fair play of Englishmen would give effect to it; and as to Irishmen, he should be very much astonished if they did not support a principle which, if they opposed it in the case of Scotland, they could not expect to see applied to their own country. The right hon. and learned Gentleman concluded by moving the Amendment of which he had given Notice.

Amendment proposed,

In page 2, line 5, to leave out the words “Scotch Education Department,” to the words “in Scotland,” in line 7, and insert the words,

"Board of Education shall mean the Board of Education for Scotland constituted in terms of this Act."—(*Mr. Gordon.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

THE LORD ADVOCATE said, although the Amendment had reference merely to a definition, he admitted that that was a convenient mode of raising a discussion on the question at issue between the Government and his hon. and learned Friend. He, however, could have wished that his hon. and learned Friend had stated what were the duties which he intended the Board which he contemplated should perform; for he doubted whether his hon. and learned Friend quite appreciated the vastness of the alteration which he proposed. On the other hand, the scheme of the Bill was, he trusted, quite intelligible; for, speaking generally, it established a system of national as distinguished from a denominational system of education. Its great leading features were—First, that the money voted by the Imperial Parliament for national education should, in Scotland as in England, be administered by the Government and not by a statutory Board, irresponsible to the Government, and for whose proceedings therefore the Government could not be responsible to Parliament. Secondly, that a popularly-elected school board should be forthwith established in every parish and burgh, and that the duties of each school board should be to manage all public rate-supported schools within its district, to provide such additional public school accommodation as should be necessary within the district, and to impose and levy such local school rates as were necessary. Thirdly, that there should be one uniform system of management, applicable without distinction to all public rate-supported schools, whether existing before the Act, or established under the Act, to supply ascertained deficiencies. Fourthly, that in the teaching of religion there should be no further interference by legislative enactment than should be necessary to secure that the teaching should be at such hours as should not interrupt or interfere with the secular instruction, and that those who did not desire their children to receive religious teaching should be able to withdraw them without losing any part of the secular teaching in the schools. These were

the great features of the Government system, to which generally the House assented by passing the second reading; whereas the Amendment now proposed, viewing it as a key-note to the series of Amendments of his hon. and learned Friend, embodied another system of education, not only not in harmony with the Bill, but altogether inconsistent with at least three of the essential features he had mentioned. His hon. and learned Friend, in fact, proposed that Imperial money, voted for national education, although in England administered by the Government, should in Scotland be administered by a statutory Board, having an independent statutory existence, not responsible to the Government, not controlled by the Government, not represented in Parliament, and not responsible to Parliament. The Bill of 1854, which was lauded by his hon. and learned Friend, contained no provision analogous to that; neither did the recommendations of the Royal Commissioners on Education, or the measure introduced by the Duke of Argyll in 1869 contain anything at all resembling it. In fact, there was no precedent whatever for Parliament committing the administration of something like £250,000 of public money—and the fair share of Scotland in the education grant annually voted could not be far short of that amount—to a statutory Board not responsible to Parliament, and whose duties were defined by the Legislature. The intention of the Government scheme was that the Scotch Education Department should be a Government Department, responsible to Parliament for the manner in which it performed its duties; whereas under his hon. and learned Friend's scheme the Committee of Council would have no right to exercise any judgment in the matter, but would simply have to hand over the £250,000 to a Scotch Office, to be distributed according to the rates, and under the conditions contained in the Minutes of the Scotch Board of Education, and Parliament would, in that case, have no control whatever over the spending of the money. By another Amendment of his hon. and learned Friend it was proposed, in very emphatic terms, that the Board of Education should devise an Educational Code for Scotland, and should from time to time make rules and regulations for the conduct of the business, and so on.

MR. GORDON observed, that the rules and regulations would have to lie on the Table of the House for a month.

THE LORD ADVOCATE said, that was true; but he did not see how the House was to give effect to an adverse opinion on the subject. It would have no power over the statutory Board, and if the House of Commons said it did not approve of the rules and regulations, the answer might be—"We don't care about that; the duty of framing rules and regulations has been committed to us." A stranger proposal than that he had never heard of, and he believed that nothing of the kind had ever been submitted to the House before. His hon. and learned Friend said over and over again that it was not fair to Scotland to commit the management of Scotch schools to a department of the Privy Council. Well, there was no such provision in the Bill; for the management of the schools was committed to the school boards in Scotland, and to no one else, and nothing whatever connected with the management of the schools in Scotland was committed to the Privy Council. He rather thought his hon. and learned Friend was endeavouring to establish denominational schools rather than the national system which the Government wished to create, for one part of his scheme was, that there should be no school board established in any parish until the Board of Education had determined that it was necessary; and it was not to determine that it was necessary, until a sufficient time had been given to supply an existing deficiency by denominational efforts; and even although the deficiency had not been supplied, it was not to order a school board to be established, if it thought the people of the district were in course of supplying it. Now, the Government was entirely opposed to that. They thought the proper course—and it was a leading feature of their measure—was to establish immediately a school board not only in every burgh, but in every parish, and to enable the Government to apply a spur to the local bodies if they were negligent in their duties, and dilatory in supplying local deficiencies. The Government always being amenable to the jurisdiction of Parliament, could not at all consent to abandon their scheme in order to allow it to be superseded by one so essentially opposed to it

in principle as that of his hon. and learned Friend, although they knew it was consistent with his preference for denominational education.

MR. M'LAREN rose to Order, and observed that the Lord Advocate was discussing 20 clauses all in one. He wished to know what they might expect if other hon. Members of the Committee were allowed to adopt the same course?

THE LORD ADVOCATE said, it was impossible to discuss the Bill satisfactorily, or even intelligibly, without comparing the two schemes. His hon. and learned Friend had referred to what he had termed "the multitude of signatures" to the Petitions against the Bill. He should have thought that his hon. and learned Friend had more knowledge of the real value of signatures of that sort than to refer to them as of significance in the matter now before the Committee. They could all imagine how "multitudes of signatures" had been obtained, and how multitudes of names had been subscribed by the same hand, in many instances on the statement that there was a proposal to drive the Bible from the schools. Let them get a servant-girl to write the names of her brothers and sisters to the statement which his hon. and learned Friend knew to be false, and this was taken as the opinion of the "people of Scotland" in favour of a statutory Board. Indeed, to talk on this matter at length would be simply idle. An overwhelming majority of the towns of Scotland had petitioned in favour of the Bill, and the number of signatures thus appended were many-fold more than those against it. He knew the manner in which the Petitions against the Bill were hawked about the country, and how it was said—"Oh! this is petitioning for the Bible;" but he did not intend to waste time by considering the matter any further. His hon. and learned Friend took the case of Ireland as conclusive in favour of his proposal; but was he aware that the Irish system did not exist by Act of Parliament? There were no school boards in Ireland. There was only one Board, consisting of 20 members, of whom 10 were Protestants and 10 Roman Catholics, each holding office at the will of the Lord Lieutenant. Would his hon. and learned Friend be content with such a system in Scotland? Were they to have a Board nominated by the Government, and con-

sisting of Roman Catholics and Protestants, making allowance for the difference in the ratio of the Roman Catholic population. Considered with reference to Scotland, did his hon. and learned Friend think that that was preferable to the proposal in the Bill now before the Committee? He must here express his thanks to the hon. Member for Greenock (Mr. Grieve) for refraining from pressing his own view on this matter; and he could only say that if it was in accordance with the opinions and feelings of the Representatives of Scotland that there should be a Board there, not to administer the public money, but to perform those duties which would be necessary on the first introduction of that new system, to consult with the local boards in regard to the establishment of schools, he should have no difficulty in assenting to such a proposal. But when he spoke of the administration of the public money he did not apprehend that that money would be embezzled or misappropriated by those to whom it was handed over; but he maintained that the money voted by Parliament for a particular purpose should be administered by a body responsible to Parliament and in the manner most calculated to promote the interest of the country. His hon. Friend had said the Privy Council was not to be trusted; and his reason for saying that was, because the Privy Council, in deference to what he represented to be the wishes and opinions of the people of Scotland, had abstained from applying to Scotland the Revised Code which they made applicable to England. He (the Lord Advocate) must say he proposed to make it more Scotch than now, for he proposed to constitute a Scotch Department in the Privy Council, which would act with reference to Scotland particularly, and be guided by the feelings and the reasonable wishes and opinions of the people of that country. For these reasons, he should oppose the Amendment.

MR. M'LAREN said, he must acknowledge that he had all along been one of a small minority who thought that the Privy Council would manage matters better than a Scotch Board of Education would be likely to do; but he now found that at least nine-tenths of the people of Scotland were in favour of the establishment of a Scotch Board at Edinburgh, and, in deference to that opinion, there-

fore, he should support the Amendment. He was opposed to the 3rd clause of the Bill, which authorized the Privy Council to appoint such officers in Scotland as they might deem necessary to perform the duties connected with the Department which might be deemed proper and convenient to be performed there, subject to the control of the Department. As far as expense was concerned, such officers would cost the public quite as much as a central Scotch Board at Edinburgh, of which only the chairman and the secretary would be paid members, and those gentlemen, whoever they might be, would carry about in their pockets the whole power of the Privy Council, and would do their work quite as efficiently as the mysterious representatives of the Privy Council. He had always stated his belief that a Local Scotch Board would never be intrusted with the expenditure of public money; and, indeed, the example that had been furnished by the administration of a sum of £416,000, which was intrusted last year to an Irish Board, ought to be a warning to that House not to fall into the error again of intrusting large sums of public money to local bodies. He had no desire that the measure should be rejected — on the contrary, he had accepted it in good faith, and all the Amendments that he had placed upon the Paper were such as were calculated not to alter its nature, but merely to improve it in matters of detail. He would remind the right hon. and learned Lord Advocate that he had made a mistake when he stated that the vast majority of the Petitions presented in reference to this measure were in its favour, as the exact contrary was the fact.

SIR GRAHAM MONTGOMERY said, he must maintain that the proposed Board would be sufficiently responsible to Parliament. The right hon. and learned Lord Advocate objected so strongly to a statutory Board administering public funds that one would think no such thing as a statutory Board, having the administration of public funds, existed in Scotland; there were, however, such Boards, one of which—the Board of Supervision for Relief of the Poor—expended £10,000 a-year for the medical relief of the poor; yet that appeared to be the great objection to the Amendment. At that side of the House, he must say that they were not wedded to

any particular constitution of a Board, and they would be satisfied with an intermediate Board between the people of Scotland and the Privy Council, or a board analogous to that proposed in the Bill of 1869. Their anxious desire was, that the standard of education in Scotland should not be lowered; and with regard to that, they had not faith in the administration of the Privy Council with respect to Scotch education. It was a subject of great disappointment to him that the Government had met the proposal in so hostile a spirit; for if he could trust the rumours which were heard out-of-doors, the carrying of the Amendments would be held to be fatal to the Bill, and that he regarded as a threat which ought not to have been used.

MR. CARNEGIE said, there was an old saying, that "he who paid the piper had a right to call the tune;" and for his part, he did not think they could constitute a Board so entirely above everything else that it could be allowed to spend the public money without the intervention of the Privy Council. The hon. Baronet opposite (Sir Graham Montgomery) seemed to be in favour of an intermediate Board, while the hon. and learned Member for the University of Glasgow (Mr. Gordon) spoke at one time of a Board which should be independent of the Privy Council, and at another of a Board which should be subject to it—in fact, there seemed to be some confusion in the mind of the hon. and learned Gentleman. For his own part, he thought the proposal that an independent Board should be intrusted with the spending of such large sums of money was one that ought not to be listened to. He thought that such a Board was unnecessary, as the people of Scotland would have their local Boards to come between them and the Privy Council, and they did not want a central Board at Edinburgh to do as all Edinburgh Boards did—try to bring all Scotland to the level of Edinburgh. If they were asked whether they would be ruled from Downing Street or from Princes Street, they would say the former—for they disliked the interference of Edinburgh and the Parliament House party in their local affairs. Moreover, if the proposed Board were appointed what would it do? It would try to make business for itself. And how would it do so?

By perpetually quarrelling with the local

Sir Graham Montgomery

Boards. At the same time, if there was to be a sort of intermediate Board, as the hon. Baronet opposite called it, he did not think it would be able to do much mischief. He must say it was a matter of some surprise to him to hear so much praise from the other side of the Bill of 1869, considering who the people were who took part in throwing it out. Probably, if the present Bill were defeated, they would hear next year, or the year after, what an excellent Bill that of 1872 was. He hoped the cause of education in Scotland would not be allowed to suffer by reason of a wrangle about a Scotch Education Board.

MR. M'LAGAN said, he believed that if there was one thing more than another in which the people of Scotland were agreed it was this—that if they were to have a national system of education for Scotland, it should be managed and administered by a body of men who should be resident in Scotland, and not in London. The right hon. and learned Lord Advocate had treated very lightly the Petitions which had been presented; but he (Mr. M'Lagan), as a Member of the Committee by which the Petitions were examined, could state that he had gone through the Petitions, and found that they were all but unanimous on the subject of having a Scotch central Board. It was said by his hon. Friend who had just spoken (Mr. Carnegie) that such a Board would create duties for themselves by quarrelling with the local Boards. It would have no need to do so, as his hon. Friend would see if he read the Bill. There was ample work for the board to do, and those duties could be far more efficiently performed by a body resident in Scotland than by a section of the Privy Council. A London Board, moreover, would not for one thing be amenable to the public opinion of Scotland; for a section of the Privy Council would be entirely under the influence of those Members of the Privy Council who had to do with English education. He had himself written letters to the Privy Council, and received replies stating that "My Lords" desired this, and "My Lords" thought that; and he afterwards found out that "My Lords" had never desired or thought either this or that, never having seen the letters at all. He hoped, therefore, they would not have the conduct of Scotch education handed over to some supercilious subordinate or

consequential official, and against such a course he, for one, should protest. He was, therefore, prepared to support the Board intimated in the Amendment of the hon. and learned Member for the University of Glasgow, if the Government did not give them a distinct promise—far more distinct than the Lord Advocate had given them—as to the nature and character of the Board of which he had spoken; that it would be appointed immediately; and that it would not be a permissive Board, but a Board that should be appointed to carry out the Bill.

SIR EDWARD COLEBROOKE said, that the question really lay between the choice of the authority of the Privy Council or the local Board, and he had no hesitation in saying that he should be very much afraid of the infliction of such a body as that proposed by his hon. and learned Friend opposite. What he wanted, however, was that Her Majesty's Government should give to Scotch Members, who were deeply and really interested in this question, a more definite explanation than they had yet had of the proposal they were making—a more exact definition of the functions which it was proposed the ruling body should exercise, and upon that point Government ought certainly to give the Committee satisfaction. Why, if schools were to be established all over the country, should their direction not be subjected to the local authority or the authorities of the place? In the Bill there ought to be more consideration for the great difficulty, and, at the same time, the great importance of managing local affairs; and therefore he should in Committee, when those local authorities came to be constituted, endeavour to make them as efficient as possible, in order to the due discharge of their duties. With respect to the powers proposed to be conferred upon the Privy Council, he looked upon them as most dangerous; and, besides that, there were other provisions in the Bill—especially those as to the size of parishes—which were most absurd. Then there was a most delicate question as to how educational grants were to be given in aid of individual schools. The Scotch Members had a right to look to that, and it was for the Representatives of Scotland to stand between the people and the Government on a great educational question like

that. He could not conceal from himself the fact that when this Bill was first introduced into the House there was a great and sensitive feeling of uneasiness that Scotland should suffer in this education scheme. He, however, trusted that Her Majesty's Government were fully alive to the great cause of education which really lay in their hands, and that in anything they might do with respect to the public schools of Scotland they would not lower, but, on the contrary, elevate them. Above all, let them maintain the standard of the schools.

SIR JOHN HAY said, the proposal of his hon. Friend, if carried out, would ensure plenty of work for the Board to do, even if it was only in complying with the recommendations of the Commissioners of Education. There was no doubt that the whole people of Scotland desired that there should be a local Board to administer the Act proposed to be passed, and it was not intended that the Board should interfere with the duties of the Privy Council in reference to the Parliamentary grant. He therefore trusted that the House would accede to the wishes of the people of Scotland, and adopt the Amendment proposed.

MR. GRAHAM said, he could not understand what was the difficulty which surrounded the matter. As far as he could understand the point, what they had to decide was not whether there was to be a Scotch Board, composed of different bodies, but whether there was to be a Scotch Department of Education in the Privy Council; for if the Amendment were carried, it would altogether abolish the Scotch Department of the Privy Council, a result he could by no means approve. And however reluctant he might be to oppose the progress of the Bill, yet if the Amendment had simply affirmed the necessity for a Scotch Board he should have voted for it. He believed this Scotch Education Bill was the best Bill ever brought forward by any Government for the improvement of Scotch education, for although nine or ten Bills had been brought into Parliament in the last 20 years, yet no Bill had commanded such universal support as the present one. The right hon. and learned Lord Advocate had underrated the feeling in Scotland with respect to the local Boards, because the feeling of Scotland was in favour of their maintenance. He should be very sorry to

interfere with the Bill, because he believed it was framed with a view to the best interests of Scotland; but still, he thought that there ought to be some central point of communication between the various local Boards and the Privy Council, and therefore he hoped the right hon. and learned Lord Advocate would give an assurance that the institution of some central Board of that kind would be conceded.

MR. MACFIE said, that there was almost a universal feeling in Scotland in favour of a Scotch Board of some kind, and of an efficient character, and the people there would not be satisfied with the Privy Council having the predominant influence in respect to Scotch education. The first objection he had to the appointment of Privy Councillors to administer education in Scotland was that such appointments would virtually be life appointments, because anyone who was made a member of the Privy Council for a particular purpose could not be put aside without casting a stigma on his character. The management of education by means of a Privy Council was totally at variance with the theory on which the Scotch people conducted education, for they held that the proceedings of the managers of education should be in public, and be subject to every sort of investigation. Another serious objection to the administration of education in Scotland by means of Privy Councillors was that, meeting at a distance, it could not be easily consulted, and thus the benefit of a Department within reach of the people and placed in Edinburgh would not be enjoyed. Again, such a Department would naturally acquire narrow London or provincial views, the officials would be supreme, and there would be a predominance of the Episcopalian element. He contended that the 25th clause of the Treaty of Union provided that the body directing education should remain within the kingdom of Scotland; and, therefore, if this change were carried out, by the same justice they ought to transfer the Irish Board to London. This proceeding would cause estrangement between the people of Scotland and the Liberals of the Empire, and end in a result he should deeply regret.

MR. CRUM-EWING said, he should most certainly vote against the Amendment, and must express a hope that the

Mr. Graham

right hon. and learned Lord Advocate would state very clearly what he intended to do with regard to an Education Board for Scotland. He could assure his right hon. and learned Friend that he had no sympathy with the plan proposed by the hon. and learned Gentleman opposite (Mr. Gordon), or rather with such a Board as he had indicated. Indeed, he (Mr. Crum-Ewing) would rather have no Bill at all than accept such a Board, for he believed it would be most detrimental to Scotland. But he thought that such a Board as the right hon. and learned Lord Advocate had indicated would have the approval of Scotland. There could, however, be no doubt that a strong feeling existed in Scotland in favour of a Scotch Board: it had met with the support of most of the Scotch Members, and he himself had received a resolution passed by the corporation of the burgh which he represented, approving generally of the Bill, but strongly praying for a Scotch Board.

THE LORD ADVOCATE said, that in answer to the appeal which had been made to him, he wished to state more explicitly than he had done what he intended with reference to a temporary Board to aid in organizing the new system in Scotland. What he had intended to state was that he should be prepared, if it appeared to be in accordance with the general wish of the Scotch Representatives, to assent—not, however, without qualification—to the proposal which was embodied in the Amendment of his hon. Friend the Member for Linlithgow (Mr. M'Lagan). In the Amendment, his hon. Friend had inadvertently put upon the temporary Board all the duties which by the Bill were put upon the Scotch Department of the Privy Council. His hon. Friend stated that his intention was not to interfere with the Government in the administration of the Imperial money, but to leave that duty entirely to the Government, to be performed according to the rules and regulations made by the Government under its ordinary Parliamentary responsibility. With that explanation, and referring to Clause 3 of the Bill upon which the Amendment of his hon. Friend was proposed, he understood that Amendment to be—and it was in this sense that he was prepared to assent to it—that instead of the merely permissive language which was used in the clause—

"It shall be lawful for," there should be substituted imperative words—

"The Scotch Education Department shall, with the consent of the Lords of Her Majesty's Treasury, immediately after the passing of this Act, appoint such officers in Scotland, two at least of whom shall hold or shall have held the office of Her Majesty's Inspector of Schools, to perform the duties connected with the said Department which it shall be deemed proper and convenient to perform there."

Then his hon. Friend's Amendment proceeded to state that they should continue in office for at least five years, and for such longer time as may be deemed expedient, and should be called the Board of Education in Scotland. The object of a temporary Board was, of course, to perform those duties which arose at the first starting of the measure. Those duties would be found specified in clauses from 24 to 31 inclusive, and again to a considerable extent in Clause 23. The Government thought that they might all be performed within a period of three years, and he should therefore propose that this temporary Board should be constituted, in the first instance, for a period of three years. With regard to the question upon which they were immediately asked to vote, he wished to say that the Amendment was to prevent the constitution of the temporary Board, and instead thereof to constitute a statutory Board.

LORD HENRY SCOTT said, he must confess that the announcement which had just been made by the Lord Advocate that he would allow a temporary Board to be appointed for three years, after having, in the first instance, altogether declined to have one in Scotland, had taken him by surprise, and thought that tactics of that sort in regard to so important a matter were discreditable to Her Majesty's Government. Hon. Members opposite who represented Scotch constituencies knew that the whole voice of Scotland was against them in the matter, but they were divided between their allegiance to the Ministry and their duty to their constituents. The concession, such as it was, seemed to be both a condemnation of the original scheme of the Government, and a confession that Scotchmen in Scotland were the proper persons to administer the Bill; but if the Privy Council were to be entrusted with it ultimately, it would be better and more consistent that they

should undertake it from the beginning. Her Majesty's Government ought not to take an issue like that, and make a compromise, but a distinct issue, upon which they might test their strength, and secure a majority if they could.

MR. SINCLAIR AYTOUN said, he did not think that there was anything in the conduct of the Lord Advocate of which there was reason to complain. He did not know what would be the full effect of the concession now made; but, at the same time, he thought it would have been more graceful if it had been made at an earlier period. They were told that if they voted for this Amendment they must do so for all the other Amendments of the hon. and learned Gentleman who moved it, but he did not see how that followed, because he agreed with the hon. and learned Member in this Amendment; but did not in the others. The Lord Advocate appeared to ridicule the Petitions sent to the House from Scotland on this subject. He (Mr. S. Aytoun) did not think the right hon. and learned Lord was justified in doing so, because, unquestionably, the Scotch people felt strongly on this point. They had a firm conviction that, contrary to the practice in England, under their own system it was possible for the poorest boy to rise in life and attain eminence in the learned professions on account of the facilities which existed, allowing him to pass from one school to another of a higher grade, and that those facilities would cease to exist if a Scotch Board were not vested with the control of education in that country. They must be careful how they interfered with that impression. Although he did not coincide with the hon. and learned Member for the Universities of Glasgow and Aberdeen in respect to his other Amendments, he should vote with him on this.

SIR ROBERT ANSTRUTHER said, the hon. Member who had just spoken had argued in one sense and intended to vote in the other, thereby imitating the conduct of the hon. Member for Edinburgh (Mr. M'Laren), who, after having strongly supported the proposal of the Lord Advocate, finished by saying he should vote for the Amendment. There was some comfort in that, however, for if all who spoke against it by the same rule voted for it, the Bill would receive more support than it deserved. The right hon. and learned Lord was very

reasonable in granting the concession he had, for he was awkwardly situated, being taunted by hon. Members on his own side for refusing to grant any concession, while if he did, he was immediately set upon by hon. Members opposite for having granted too much. He would remind the noble Lord (Lord Henry Scott) that the right hon. and learned Lord had distinctly stated early in the evening that he would assent to the establishment of a temporary Board in Scotland—though not for the purpose of administering finance—if that were the wish of the Scotch Members generally. He (Sir Robert Anstruther) did not, however, share the feeling of some hon. Members who appeared to think that the Privy Council was some monster which would swallow up the whole educational system of Scotland, and make the Scotch people subject to pains and penalties which for 300 years Scotland had escaped; and if the Privy Council framed rules obnoxious to the Scotch people, it would be easy for their Representatives in Parliament to object to them and insist on their being modified. The Bill, as it stood, would leave the people free to manage their schools as they liked by means of local Boards; whereas the tenor of the Amendment of the hon. and learned Member for Glasgow University was hostile to the principle of the Bill. The hon. and learned Gentleman said that what he wanted was that the people of Scotland should manage their own affairs; but the fact was, that he was afraid to give the Scotch people the management of their own affairs—he wanted to manage their affairs for them by means of a central authority at Edinburgh. Now, he was not very fond of Edinburgh Boards, which often worked unsatisfactorily, and had no one responsible for them in that House, and after the liberal spirit manifested by the Lord Advocate, he hoped the Government would be strongly supported in resisting the Amendment of his hon. and learned Friend opposite.

MR. ELLICE said, he believed nine-tenths of the Scotch people, deeming themselves entitled to credit for the way in which they had managed their educational affairs, objected to the transfer of that management to a central authority in England, a country which had been much less successful educationally. He was glad, therefore, the Lord Advoca-

Sir Robert Anstruther

cate had yielded to the preponderance of Scotch opinion, and though, on coming down to the House, he was told the success of the Amendment would be fatal to the Bill, he had had too long a Parliamentary experience to set much value on such threats. The Lord Advocate's concession, for granting which he had been taunted by hon. Members opposite, altered the whole character of the Bill, for, as he understood—though understandings were not much in favour just now—a Board was to be created for three years to put the machinery of the measure into operation. He wished to know, whether in the 32 clauses relative to the chief authority this new body was to be inserted? If so, of what use would the Education Department for Scotland be? Moreover, the new body, he presumed, if it was to be efficient, must be paid. Now, the Bill already provided for salaries for the Education Department, and he should object to the country being saddled with two paid bodies. In financial matters the Privy Council ought to be paramount; and except when it interfered with educational machinery and insisted on unreasonably expensive schools and buildings—matters with which, from its necessary ignorance of the customs and circumstances of localities in Scotland, it was not competent to deal—the existing arrangement worked satisfactorily. He saw no reason, therefore, why any alteration should be made on this financial point. As regarded the new Commission proposed by Government, he gave no opinion as to its constitution; he could not approve the machinery proposed by the hon. and learned Gentleman opposite (Mr. Gordon); and he presumed the Lord Advocate would intimate at the proper time the manner in which he would carry out the understanding which had been come to. In the meantime, he could not agree to a clause which set up an Education Department which, under the altered circumstances of the case, seemed to be unnecessary. He must, therefore, vote with the hon. and learned Gentleman as regarded the omission of the clause, but against him as regarded the words which he proposed to substitute. He should tell the Government to go on with their Bill—to alter the subsequent clauses in accordance with the new plan of a Commission, and then, upon the Report being brought up to adapt the clause

now under discussion to the new machinery.

MR. ORR EWING said, he was not surprised at the right hon. and learned Lord Advocate making the concession he had done after the meeting of Scotch Members that had been held recently to consider this Bill; and he was pleased to find that the right hon. and learned Lord's attempt to pass this measure through the House must have taught him not to be too high-handed, but willing to grant concessions. The right hon. and learned Lord had made a great mistake in departing from the rule of his predecessor, who invariably called together hon. Members from both sides of the House to consult respecting Scotch Business, and the result was that he had succeeded in passing through Parliament many very useful Scotch Bills. The right hon. and learned Lord, moreover, should not ignore the fact that hon. Members on the Opposition side of the House were just as anxious to pass a good Scotch educational measure as were those who sat on the Liberal benches; and although there were differences of opinion as to dealing not only generally with the question itself, but with its branches, yet he should have consulted them on the subject. They must have—and he trusted they would have—a central Board sitting in Scotland, in order that the good old system of education by which the schools in Scotland had been managed successfully for the last 300 years might be preserved, and, if possible, amplified into a national system that would in its turn last a considerable time longer than the old one ever had. If their wishes should be defeated in that House, they must go to “another place,” where he trusted there would be found sufficient patriotism to give to Scotland a good sound religious education.

DR. LYON PLAYFAIR said, that in consequence of the concessions that had been made that night by the Lord Advocate, he intended to vote for the Government on this question. Many hon. Members on both sides of the House must have been perplexed by the term Scotch Education Department which the clause before them was intended to establish. For his own part, he could not say whether that body was to be a reality or a myth. Viewed by the light of the 7th clause, under which they were empowered to merge half the boroughs

of Scotland in the parishes, they would certainly appear to be a most formidable body. In other respects in which the action of this body might be looked for it was a myth. He was thoroughly puzzled as to what this Education Department was. Did it mean an ordinary Committee of Council on Education like that applied to England? No doubt it did; and if it did, the Bill ought to have said it. Such a Committee scarcely interfered with the responsibility of the Minister of Education, who was directly responsible to the House. There were 80 distinct parts of the Bill in which this department came in as a buffer between this House and the Minister of Education. There had been in Scotland several centuries of education; traditions, habits, and standards had grown up which were unknown to the Committee of Council; Scotch interests and wants ought therefore to be represented. He saw advantage in a central administration in London directly responsible to the House, if it were regulated by statutory limitations. That there was a necessity for this could be seen from the 253 Amendments put on the Paper by Scotch Members, while, as the result of months of criticism, the Government had put down only three trifling Amendments. This did not satisfy Scotch Members that their local wants would be considered; but to-night the Lord Advocate had shown himself so conciliatory that they were encouraged to hope he would accept other Amendments. What he wished for, and what the Lord Advocate had offered, was a Board or a Commission which would study local wants in Scotland; it was this representation of their wants which the people of Scotland desired. He was satisfied with the promise given, on the condition that the Commission was not to be constituted under the 3rd clause of the Bill, which did not give Parliament any opportunity of considering what was to be the constitution of the Board. He understood the Lord Advocate to promise a new clause, so as to give Parliament an opportunity of considering the constitution of this Commission; and with that understanding he should have great pleasure in recording his vote for the Government.

MR. GATHORNE HARDY said, the hon. Member who had just down (Dr. Lyon Playfair) had shadowed out a special Scotch Department to be es-

established in London, a sort of Committee of Council; and he should like, therefore, to know what this special Scotch Department was to be? According to the Interpretation Clause, "Scotch Education Department" meant any Committee of Council appointed by Her Majesty for Scotland. Now, the Committee of Council really consisted of the President and Vice President, except on rare and special occasions, just as the Local Government Board also consisted of its President. Was it supposed, therefore, there was to be created for Scotland something different from that which existed for England? Was there to be another Vice President who was to be responsible for Scotland? If so, what was to be his position with respect to the Board to be established in Scotland? The hon. Member for Linlithgow (Mr. M'Lagan) proposed an Amendment which was practically the same as that proposed by his hon. and learned Friend (Mr. Gordon)—that "Board of Education" should be substituted for "Department," and the hon. Member further proposed that the Board should comprise persons who had been Inspectors, and that they should be paid; but by this vote they were asked by the Lord Advocate to establish the myth, the unreality, described by the hon. Member for the Edinburgh University, which was to have everything taken from it for at least three years, except the administration of funds. At present, the Committee had nothing before them except the promise of the Lord Advocate that if Scotch Members wished it he would establish a Board. What it was to be might be known to Scotch Members on the other side of the House who had attended a secret conclave to which they were exclusively invited; but it was not known to others, and it was the duty of the Lord Advocate to have put on the Paper Amendments which would show clearly what it was upon which they were about to vote. By that conduct the Government were asking their opponents for a degree of confidence which they had no right to demand even from their supporters. The Department which was to have carried out the machinery of the Bill was abrogated in favour of a Board such as was proposed by the hon. Member for Linlithgow.

THE LORD ADVOCATE said, he adopted the hon. Member's (Mr.

Mr. Gathorne Hardy

M'Lagan's) Amendment with the understanding that a temporary Board should not have the administration of Imperial money.

MR. GATHORNE HARDY, in continuation, said, that the Bill would bring Scotland under the Revised Code. ["No, no!"] Then there was to be a separate Code for Scotland? However that might be, it appeared from what he could gather that the machinery of the Bill was to be carried out by a Scotch Education Department sitting in London, and not by a Board in Edinburgh? ["No, no!"] Clearly, unless he were placed in the position of those who attended the conclave, he could not understand what was proposed. The Board was accepted; what on earth was it to do? There was an "understanding" among hon. Members opposite; but understandings were in discredit at present. The right hon. and learned Lord had said he would strike out "Department" and insert "Board." ["No, no!"] Then he was at a loss as to what he should say with regard to the right hon. and learned Lord's statement. The right hon. and learned Lord, according to his last interpretation, accepted that Amendment, except with reference to laying down the terms of the Code, and the administration of the money. Therefore, there was nothing left for the Board to do except to establish schools in Scotland, and yet when he said that a few minutes ago he was contradicted. He could not help saying that the right hon. and learned Lord ought to have stated on paper what his intentions were. Now, if the administration of the money and the framing of the Code were to be left to the Committee of Council, what need was there of the 2nd clause, which provided that the persons employed in the Education Department should have salaries? Under the present system the Committee of Council had been responsible for the payment of the money to schools in Scotland and for making a Code for Scotland, because that country was under the old Code, and yet they asked Parliament to appoint a salaried Board at Edinburgh to perform the only other work they had to do. This was an extraordinary and anomalous proposition. In the middle of a debate the Government called on the House to take a new step and to trust to them to do something

at a future period; but in voting for his hon. and learned Friend's Amendment he was practically voting for that which the Government themselves required to carry out this scheme.

MR. W. E. FORSTER said, he thought that the right hon. Gentleman the Member for the University of Oxford would not have been so doubtful as to the scheme which was before them if he had referred to the exact terms of the Amendment of the hon. and learned Gentleman opposite (Mr. Gordon). He proposed to substitute for the Committee of Council a Board of Education; and the Committee would have first to consider whether they would like to have established a Scotch Education Department. It was not the fact that the Committee of Council on Education was a myth or sham. No doubt the Lord President and the Vice President were responsible to Parliament for the distribution of the money; but when any very important question had to be considered, they called the Committee together, and took their opinion and acted upon it. Such Committee was a very different one from any Committee of the Local Government Board. They thought that it would be more satisfactory to have a separate Committee of Council for Scotland, and they proposed that the Scotch Education Department should distribute the Imperial fund for Scotland through the Lord President and Vice President. It was also proposed that the work of putting the Act into operation should be done by that Department. The Amendment now before them, however, proposed that all this work should be done by a statutory Board, and that the Board should distribute the Imperial fund. He did not think, however, that it would be for the advantage of education in Scotland that it should be placed under the control of an irresponsible body; and, therefore, the Government had endeavoured to ascertain the feeling of Scotch Members upon the point, and it appeared to them that the majority of them did not wish that Imperial money should be distributed by a Board in Edinburgh; but that there was a feeling that the machinery of putting the Act into operation should be entrusted to a body of Scotchmen sitting in Scotland. He thought that what the Government now proposed to do would be a very reasonable way

of meeting the wishes of Scotch Members. They proposed, first, to ask the Committee to assent to the appointment of a Scotch Education Department to assist the Lord President and Vice President in the distribution of the money, and afterwards they would provide that the putting the Act into operation should be delegated to a board of Scotchmen having an office in Scotland.

MR. GORDON said, he must express his surprise at the proceeding which had taken place in reference to the Amendment, for when they had become cognizant of the feeling of the people of Scotland in favour of a Scotch Board, the Government should have taken the earliest opportunity of saying that they would make concessions; but now they had been told that the fate of the Bill depended upon this Amendment not being passed, and hon. Members having come down under the influence of that threat, the opportunity was taken of making an apparent concession. He thought, however, that that was a concession to which Scotch Members ought not to assent; and he ventured to say that the Scotch Department of the Government of which the right hon. Gentleman had spoken would be a myth—a phantom Board altogether, and it would have no existence except so far as the Privy Council would exercise some control with reference to Money Votes made by Parliament. Instead of that, however, there should be a Board of Education for Scotland, for that was what was involved in the terms used in the Amendment of the hon. Member for Linlithgow, and what he proposed was, that there should be a Board for Education in Scotland, leaving it to the Committee to determine how that Board should be constituted. In 1855 there was such a Board—a representative Board proposed by the Government—and so also in 1869. The Committee would, therefore, observe the difficulty of ascertaining what were the precise limits of this power that was to be created by some subsequent clause of the Lord Advocate, for it appeared to him that they ought not to commit themselves to any proposition on the subject until they saw what kind of Board the Government intended to create for Scotland. Seeing, therefore, that the right hon. and learned Lord Advocate had now come forward with a new proposal, without affording

them a definite notion of what it was to be, he (Mr. Gordon) would submit that his Amendment ought to be adopted, unless the Government agreed to report Progress until they were prepared to introduce a distinct clause upon the subject.

MR. CRAUFURD said, the hon. and learned Gentleman (Mr. Gordon) seemed now only to awaken to the folly of his proposal. Were they going to give the management of Scotch education to an unknown Board, or to a special Board connected with the Government? He (Mr. Craufurd) urged the principle now recognized by the Government in 1869, and the hon. and learned Gentleman, in supporting that principle, entertained a different opinion upon the matter from that which he had at present. There was no foundation for the assertion that had been made, that the Lord Advocate had endeavoured to dictate to the Scotch Members as to what they ought to do upon this subject, for his conduct in the matter had been the reverse of dictatory. He should have preferred a Commission instead of a Board, for the simple reason that he thought in two years it would have little to do; but he had no hesitation in supporting the proposal of the right hon. and learned Lord, as the first advance made by Government to give to the people of Scotland a really responsible administration of its own affairs.

MR. NEWDEGATE said, it was now proposed by the Government to have a Minister for Scotland to manage Scotch education, and that was what the Scotch people objected to, for they wanted to manage their own system of education. He should therefore vote for the Amendment, because he thought that it would establish that direct control which was so much desired by the people of Scotland.

Question put.

The Committee *divided*:—Ayes 253; Noes 197: Majority 56.

MR. GORDON said, he would suggest that the Chairman report Progress.

THE LORD ADVOCATE said, he did not wish to go beyond this clause to-night; but he hoped it would be assented to before that course was taken.

LORD JOHN MANNERS said, he was also in favour of reporting Progress, as it would be desirable to insert some words

defining the constitution of the proposed Board in Edinburgh, and the Committee should have an opportunity of seeing that definition on the Notice Paper.

MR. GLADSTONE said, the noble Lord was under a misapprehension. The clause under consideration was an interpretation clause, and not an enacting clause, and it would be impossible to constitute a Board in such a clause.

LORD HENRY SCOTT said, he would move that Progress be reported, and wished to point out that the wording of this clause in some respects depended upon the constitution of the Board, and therefore it was necessary before settling it to be in possession of the provisions constituting the Board.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again." — (*Lord Henry Scott.*)

Question put.

The Committee *divided*:—Ayes 168; Noes 233: Majority 65.

SIR JAMES ELPHINSTONE said, he thought, as they were to meet again to consider that question at 2 o'clock that day, it was necessary that the Government should embody the decision they had come to in some intelligible form. He did not understand legislation by "understandings," nor did he understand our Government being the political agents of President Grant—"Question!"—but he did understand common sense embodied in plain language, and that he called upon the Lord Advocate to produce to them at 2 o'clock that day for their consideration.

THE LORD ADVOCATE said, without reference to the somewhat singular reasons assigned by the hon. and gallant Baronet, he felt it impossible to press the matter further that night, and therefore he would move to report Progress. The proposal he had to make, and which he had endeavoured to state quite distinctly, with respect to the managing Board would not interfere with the progress of the measure in the meantime.

Committee report Progress; to sit again *To-morrow*, at Two of the clock.

Mr. Gordon

ACT OF UNIFORMITY AMENDMENT
BILL—(Lords)—[BILL 136.]

(Mr. W. E. Gladstone.)

THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed,
"That the Bill be now read the third
time."—(Mr. W. E. Gladstone.)

MR. RYLANDS said, he begged leave to move the adjournment of the debate, in order to enable the right hon. Gentleman the Member for Kilmarnock another opportunity of asking the House to consider his Amendment to the Preamble of the Bill.

Motion made, and Question proposed,
"That the Debate be now adjourned."
—(Mr. Rylands.)

MR. GLADSTONE said, he thought it would be inconvenient and not in accordance with the custom of the House to accede to the Motion of his hon. Friend, because the right hon. Gentleman the Member for Kilmarnock had ample opportunity of giving Notice of his Motion if he intended to bring it forward.

MR. BOUVERIE said, there was plenty of time to take the opinion of the House upon his Amendment—Notice of which he had given when the Bill was in Committee, but which was by an oversight omitted from the Paper—if the Motion for Adjournment was withdrawn. When that was done, he should be perfectly willing to move the re-committal of the Bill, with a view to amending the Preamble in the way he proposed.

MR. RYLANDS said, in that case, with the permission of the House, he would withdraw the Motion for adjourning the debate.

Motion, by leave, *withdrawn*.

Question again proposed, "That the Bill be now read the third time."

MR. BOUVERIE said, he would now move that the Bill be re-committed, for the purpose of striking out of the Preamble the recital that the Reports made to Her Majesty by the Commissioners had been referred to the Convocations of York and Canterbury, who had reported to Her Majesty thereon. That was the first time for 210 years that such a recital had appeared in an Act of Parliament; but it seemed to be desired

by a minority of the Church to get the principle established that nothing was to be done affecting the property, the dignity, or the interests of the Church without the previous assent of Convocation. That minority was very able, very active, very noisy, and very turbulent. Against this attempt the House ought to set its face. That was not a question of Conservative or Liberal, Whig or Tory, but of the laity against the clergy—the question of the right of the great body of the English laity to legislate as they pleased on Church questions. The clergy, moreover, had not the same ground now that they once had for demanding that Convocation should have something to do with these matters, for although up to the time of Charles II. they had no votes for Members of the House of Commons, yet that was no longer the case, and they now had their fair share of representation; and as the House of Commons represented them as well as all other classes, it was the business of Parliament to legislate on these matters as well as on other matters—a business which they had hitherto executed. This, he must further say, was an attempt on the part of a section of the clergy to have a sort of veto on the decisions of Parliament on matters affecting the clergy. For instance, a very distinguished clergyman, whose fame was co-extensive with the English language, the late Mr. Keble, wrote these words—

"I cannot get it out of my head that it would be justice and good statesmanship to state in the Preamble of the Church Subscription Act that the change had been approved by the Convocations of both Provinces. That might be very useful to us if Parliament should take to altering the Prayer Book."

That meant that the clergy would like to procure a precedent for settling these matters as they thought best, instead of as Parliament thought best. He presumed that Convocation had made a Report on the subject, but it was not known to anybody out of Convocation. If it had, however, such a Report ought to have been placed on the Table of the House, so that they might see for themselves whether it was wise or prudent to be guided in their legislation by Convocation. The passage in the Preamble which he opposed was contrary to precedent, and it would introduce a very bad practice; and he

must repeat that the right hon. Gentleman at the head of the Government was changing the practice of upwards of 200 years in introducing the words to which objection had been taken into the Preamble, and which he believed had been introduced without reference to the Archbishop of Canterbury, but solely on the right hon. Gentleman's own authority. He thought that the less they had to say to Convocation, and the less they recognized it, the better; and he, therefore, hoped that the House would support him in re-committing the Bill.

MR. D. DALRYMPLE said, he had placed a Notice on the Paper to the effect that the Bill be read a third time that day three months, in the absence of his right hon. Friend who had just spoken, because he thought the House had been treated rather sharply by the rapid manner in which the Bill had been pressed forward. He, however, should not have taken that step did he not entirely sympathize with the observations of his right hon. Friend. He, like him, was opposed to the Bill, as well as to the remarks of the right hon. Gentleman at the head of the Government, who on a previous occasion put the Act of Uniformity in the same category with the Bill of Rights. Every fresh enactment, he contended, such as that with which the House was now dealing, only tied the hands of the clergy still tighter than they were bound before; for the House was, he might add, asked to legislate for the small number of the clergy who held daily services, and the matter was one in which the laity had little concern, inasmuch as those daily services had not yet, he believed, taken much hold upon them; indeed, in many cases it was admitted that the congregation was confined to the clergyman's family. Convocation, too, had treated one of the recommendations of the Ritual Commission about the Athanasian Creed in a manner which, in his opinion, did not entitle them to very great respect; and, that being so, he had great pleasure in seconding the Motion of his right hon. Friend.

Amendment proposed, to leave out from the words "Bill be" to the end of the Question, in order to add the words "re-committed, in respect of the Preamble," — (*Mr. Bouverie*), — instead thereof.

Mr. Bouverie

MR. SPENCER WALPOLE said, he thought the hon. Member for Warrington (*Mr. Rylands*), as well as his right hon. Friend the Member for Kilmarnock (*Mr. Bouverie*), put the matter at issue much higher than the nature of the case required. As the Preamble was originally drawn, it consisted of two parts. The second part contained a recognition that the House was about to alter the existing law, in pursuance of a Report made by Convocation, and so long as that constituted a portion of the Preamble, there was no doubt great force in the observations of the right hon. Member for Kilmarnock. As, however, it had been withdrawn from the Bill, the observations of the right hon. Gentleman no longer applied. For what was it the House was now asked by the right hon. Gentleman at the head of the Government to do? One of the most reasonable things he thought to which its sanction could be required. The right hon. Gentleman the Member for Kilmarnock said that if the Bill were passed in its present shape Convocation would actually have a veto on the legislation of Parliament. There was, however, nothing in the Bill to justify that remark. All that was asked was, that as Parliament was the only body which could legislate at the present time, either with reference to the Established Church or with reference to any other subject, it should give the ministers of that Church, in a case most vitally affecting their obligations and the discharge of their duties, an opportunity so far of stating their opinions as to give their consent to such a proceeding as the House was asked to sanction. Could anything be more reasonable? The clergy, as the law now stood, were bound to use the services of the Church in a particular manner, and could be released from doing certain things only by the action of the Legislature. That being so, the question resolved itself into the reasonableness of the change proposed—namely, that the clergy should be enabled to shorten the services on week days and to separate the services on Sundays. If that were done with the full concurrence of the people of the country, was it not well to have the full concurrence of the clergy also, without whose willing consent legislation would not have that effect which it was desirable it should produce?

Under the circumstances, he for one thought the proposal of the Government a most proper one.

MR. HORSMAN said, his right hon. Friend who had just spoken had omitted to take any notice of the real practical difficulty which had been raised by the observations of the right hon. Gentleman the Member for Kilmarnock. A Report, it appeared, had been made by the Commissioners, and their Report had been referred to Convocation, who reported to Her Majesty. But what, he should like to know, did the House know of the Report of Convocation? Who had seen it? He, for one, was not aware that there was any such Report, and he declined, on conscientious grounds, to affirm in the Preamble of a Bill the existence of a document of which he had no personal knowledge and of which there was no record.

MR. GLADSTONE said, he was not at all desirous to enter again into a discussion of the subject, but after the pointed—he might say the invidious—appeal which had been made by the right hon. Gentleman the Member for Kilmarnock, he had no choice but to reply to his observations. He would first, however, in answer to his right hon. Friend who had just sat down, remark that the statement of a responsible Minister of the Crown was, in his opinion, amply sufficient to establish the fact of the existence of the Report in question. He would, however, add that his right hon. Friend had based his opposition to the Preamble on a ground totally different from that which had been taken by the right hon. Member for Kilmarnock, in whose speech the fact that there was no Parliamentary record of the Report of Convocation formed an entirely secondary feature. From what his right hon. Friend who spoke last had said, he (Mr. Gladstone) had inferred that if that Report had been placed on the Table, and he saw no objection to it, he would not support the opposition which was offered to the Bill. But the opposition of the right hon. Member for Kilmarnock would by no means be removed by the production of the Report, for he had based his opposition on much broader grounds, contending that it was wrong there should be any reference at all to the proceedings of Convocation. If this had been a Government Bill, the Report would have been laid upon the

Table; but it had been introduced by and on the part of the Church, with the consent of the Government, although not by their agency. Having passed through the House of Lords, and the Church having no official means of passing it through the House of Commons, it became a question whether the Government should take it up. They looked at it upon its merits, which he did not think the right hon. Gentleman had done—and he must add that if the language and tone of the right hon. Gentleman were to be introduced into debates upon Church matters, it would be much better not to introduce Church matters at all. He did not think he had shown an undue disposition to meddle with Church matters—[“Oh, oh!”]—unless in the case of the Irish Church. The Government had proposed no Bill touching spiritual matters in the Church, and the only Bill they had introduced on the pecuniary arrangements of the Church, was the Bill with regard to the resignation of Bishops intended to meet a practical grievance and deficiency, and by no means partook of a party nature. Not only that, but they had reached a time when legislation in relation to the Church was extremely difficult, and one of the modes of retaining some degree of practicability in that kind of legislation was to forswear the introduction of angry and irritating topics; and, accordingly, the Government thought the less they meddled with Church affairs the better. This Bill had been introduced into the House of Lords upon the recommendation of a Commission, with the assent of the clergy in Convocation and the Prelates in the House of Lords, and it had passed with the special recommendation of the Archbishop of Canterbury, after receiving the unanimous assent of the House of Lords. And yet against that they were told that the Preamble was the product of the action of a party in the Church, described in language which could not be agreeable to them. He (Mr. Gladstone) never had used and never would use expressions to hurt any religious body, and he regretted that the right hon. Member had not adopted the same rule. That, however, was not a question of a party in the Church. The right hon. Gentleman said it was not the Bill of the Archbishop but the Bill of the Prime Minister, whose office was such a sine-

cure that, using the Primate as his instrument, he could find opportunity to concoct a scheme involving the elements of a conspiracy against the freedom of Parliament. [*Laughter.*] No doubt, the intentions of his right hon. Friend were honest, but there was not a word of truth in that representation. All he knew of the Bill had been communicated to him by the Archbishop of Canterbury, and the Government were not responsible for its origin; but having regard to the mode in which it reached that House they had thought it right to take charge of the Bill. He must say, further, that he knew of no claim on the part of the clergy to be consulted in these matters; for instance, the Government had legislated pretty stringently upon Church property without waiting for the assent of the clergy. It was a mistake, moreover, to suppose that in framing that Bill an intermediate period between this time and the time of the Act of Uniformity had been overlooked. Since that Act there had been no Bill affecting the services of the Church or strictly affecting the relations of the clergy to those services, until the Act relating to the Subscriptions of the Clergy. Successive Governments had encouraged the clergy to give their opinion upon this sort of legislation, but the reference to Convocation in the Preamble did not bar the power of Parliament to proceed without its assent any more than a reference to a Royal Commission prevented legislation without the approval of the Commissioners. His right hon. Friend felt probably, as he (Mr. Gladstone) did, that the less they had of this ecclesiastical legislation the better; but when it could be shown that it had been that all the parties interested desired the step proposed, it would have been churlish to have refused to assist in passing this measure into law.

MR. LOCKE KING said, one would have supposed from the speech of the Prime Minister that his right hon. Friend the Member for Kilmarnock had objected to the enacting part of the Bill. That was not so. What his right hon. Friend objected to was, that an entirely new precedent should be established by stating in the Preamble that the sanction of Convention had been obtained.

MR. NEWDEGATE said, he deprecated as much as anyone the introduction into the Preamble of the reference

Mr. Gladstone

to Convocation; but he could see nothing objectionable in recording the assent of a body whose dissent they could ignore.

DR. BALL said, whatever the result of the Motion might be, he must hold it to be a serious precedent that the House of Commons should act in a matter of this importance without having on the Table Papers which would show that the proceedings were regular, and that the statement in the Preamble was justified.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 160; Noes 89: Majority 71.

Main Question put, and *agreed to*.

Bill read the third time, and *passed*.

ELEMENTARY SCHOOLS (CERTIFICATED TEACHERS).

Select Committee appointed, "to inquire whether by a deduction from the Parliamentary Grant in aid of Public Elementary Schools, or by any other like means, a provision can be made for granting annuities to the Certificated Teachers of such Schools upon their retirement by reason of age and infirmity.—(*Mr. Whitwell.*)

And, on June 10, Committee nominated.—[*Which see.*]

EAST INDIA (BENGAL, & C. ANNUITY FUNDS) BILL.

Resolution [May 31] reported;

"That it is expedient to make provision for the Transfer of the Assets and Liabilities of the Bengal and Madras Civil Service Annuity Funds, and of the Annuity Branch of the Bombay Civil Fund, to the Secretary of State for India in Council."

Resolution agreed to:—Bill ordered to be brought in by Mr. GRANT DUFF and Mr. AYTON.

Bill presented, and read the first time. [Bill 182.]

CHAIN CABLES AND ANCHORS ACT (1871) SUSPENSION BILL.

Acts read; considered in Committee.

(In the Committee.)

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to suspend the compulsory operation of the Chain Cables and Anchors Act, 1871.

Resolution reported:—Bill ordered to be brought in by Mr. CHICHESTER FORTESCUE and Mr. ARTHUR PEEL.

Bill presented, and read the first time. [Bill 183.]

House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Tuesday, 4th June, 1872.

MINUTES.]—*Sat First in Parliament*—The Marquess of Ailsa, after the death of his father.
PUBLIC BILLS—*First Reading*—Charitable Loan Societies (Ireland)* (124); Cattle Diseases (Ireland) Acts Amendment* (125); Elementary Education Act (1870) Amendment* (126); Charitable Trustees Incorporation* (127).
Committee — *Report* — Juries Act Amendment (Ireland)* [109]; Isle of Man Harbours* [83].

PRIVILEGE.

TREATY OF WASHINGTON—TRIBUNAL OF ARBITRATION (GENEVA).
THE INDIRECT CLAIMS.

LORD ORANMORE AND BROWNE: My Lords, seeing the noble Earl the Secretary for Foreign Affairs in his place, I wish to ask a Question on a matter affecting the Privileges of your Lordships' House. I beg to call attention to the following paragraph which appeared in *The Times* of this morning. It is as follows:—

"THE SUPPLEMENTAL ARTICLE.—The publication of this celebrated document seems to have given rise to as much misunderstanding as the document itself. Lord Granville has been frequently importuned to lay it upon the table of the House of Lords, but has consistently declined to produce it. It was quoted by Mr. Gladstone last night, and Mr. Bouvier thereupon claimed, as a matter of right, that it should be produced. In the course of the evening a single copy of it was accordingly laid on the table. But this very document, so anxiously sought for and so tardily produced, was actually sent by the Foreign Office to, we believe, all the morning papers on Friday, May 17, together with the correspondence between Lord Granville and Mr. Fish, and was published in *The Times*, at least, on Saturday, May 18."

EARL GRANVILLE: Is there any more?

LORD ORANMORE AND BROWNE: I have not the rest of the paragraph with me, but it states that even the publication on the 18th was not the first publication of the Article, because *The Times* had received it from their Philadelphia correspondent on the 16th instant. The noble Earl, in his statement last evening, adverted in strong language to the publication of the papers, which he explained had been obtained in a surreptitious manner. I wish to know from him whether he thinks it the duty of the Foreign Office to communicate to the Press Papers of importance, though he refuses to lay them on the Table of your Lordships' House?

EARL GRANVILLE: I am not quite sure that I understand the noble Lord. What breach of privilege is there involved in this case? I believe myself there is none. Last night I personally presented the Supplementary Article, saying that I do so at the repeated request of the noble and learned Lord opposite (Lord Cairns): I at the same time presented other Papers which I thought it would be useful to the public service to lay on the Table. I will now give an explanation with reference to the communication of this Article to the Press. There is nothing more common than for our public Departments to communicate official documents to the Press; but in this case the Supplemental Article was not communicated until a copy of it had already been telegraphed from America and published in *The Times*. The publication of the Article in the English newspapers—it having been, as I yesterday stated—surreptitiously obtained by an American paper—gave me a discretion—your Lordships will remember that my great objection to producing it was that it had not been presented by the American Government to the Senate—but as there were one or two errors in the wording of the Article as it appeared in *The Times*, I thought it well to let the public have the text of the document in a completely correct form, and consequently an exact copy was sent to the Press. Certainly I can see no breach of privilege in that—but I leave it to the House to judge. There is another point to which I should like to call attention for a moment. Last evening the noble and learned Lord (Lord Westbury) distrusting an opinion given by the Law Officers of the Crown upon a case which he naturally supposed had been drawn up by interested persons, declared that he did not want to see the Opinion—he wanted to see the Case submitted to the Law Officers. I have since informed him privately that though it is not a usual course to adopt I had no objection in this instance to produce the Case. I may now say the Case consisted entirely of that part of *The Times* report of the noble and learned Lord's speech in which he advised me to take the opinion of our legal advisers. The report in *The Times* of the points on which the noble and learned Lord recommended me to obtain legal advice appeared to me to be so entirely correct that I

adopted it in the Case to be submitted to the Law Officers. Indeed, those who knew the clearness of the noble and learned Lord's enunciation would know the reporter was not likely to be mistaken.

LORD WESTBURY: Do you produce the Case now?

EARL GRANVILLE: I shall be very glad to give the noble and learned Lord the extract from *The Times* report or I will have it copied for him.

LORD WESTBURY: Am I to understand that there was no question put in consultation, but that what was submitted for the opinion of the Law Officers was simply a speech made by Lord Westbury? Is that so? If it be, it is a melancholy proof of the inanity of the proceedings of the Government. With very great respect I bow before the oracle; but it appears to me that the oracle has been consulted in such a manner that it could give none but an oracular response—that is, a response that can be interpreted in any way according to the wish of the person who consults it.

EARL GRANVILLE: I only vouched for what I believe to be the correctness of *The Times* report. Does the noble and learned Lord disavow it, or has he changed his opinion? The noble and learned Lord seems to hold very lightly the opinion of the Law Officers of the Crown—judging, perhaps, by his own experience; but I must be permitted to continue to consult them when it appears to me that there is occasion to do so. The noble and learned Lord has completely changed his ground—yesterday he would have nothing but the Case—but as that does not answer his purpose he now falls back upon the Opinion. He talks of the inanity of the Government, but if he has not changed his opinion he cannot complain of the course I took in submitting the Case as he stated it.

TREATY OF WASHINGTON.
TRIBUNAL OF ARBITRATION (GENEVA).
THE INDIRECT CLAIMS.

MOTION FOR AN ADDRESS TO HER
MAJESTY.

EARL RUSSELL: My Lords, I am about to move an important Address which has been for some time on the Notice Paper, but which I have often

Earl Granville

postponed and not brought under your consideration. I suppose no one of your Lordships will doubt that this House, as one branch of the great Council of the nation, is fully justified when sufficient cause has arisen to address Her Majesty on any subject. With respect to the general right I maintain there can be no doubt. There is only one thing further which I wish to say by way preface, and that is—that I conceive this kingdom is fully equal to any nation in the world, and that in all matters of negotiation we have no reason to yield to the United States of America or to any other country. And now, my Lords, to come to the reasons which I think justify me in bringing before your Lordships this very urgent question. Your Lordships will recollect that within a few days of 12 months ago I brought under your Lordships' consideration the question of the ratification of the Treaty of Washington. That Treaty was the result of a Commission sent across the Atlantic with great "pomp, pride, and circumstance;" but, unfortunately, it was composed of Commissioners not equal to the persons with whom they had to negotiate. In a speech made now nearly a century ago—in 1775—Mr. Burke remarked that the educated men of America are particularly versed in the science of law, and that this study renders men acute, makes them ready with all kinds of arguments, prompt in reply to objections, always ingenious in proposing the schemes which they desire to carry out. Unhappily, I say, those persons whom we sent on that Commission across the Atlantic were not equal in these respects to those with whom they had to deal. Accordingly, when the Treaty came home and was brought under consideration in this House, there were various defects to be found in it, and various doubts were raised upon it. A noble and learned Lord opposite (Lord Cairns) pointed out that what are called the Indirect Claims could be put forward under it as well as under the Convention signed by the noble Earl opposite (the Earl of Derby) with Mr. Reverdy Johnson. What was the course taken on that occasion? The noble Earl the Secretary for Foreign Affairs stated that these Indirect Claims, which were of a very extraordinary nature, had entirely disappeared, and that by no chance could there be any question of them under the Treaty.

Afterwards, in Her Speech from the Throne, Her Majesty was advised to declare these Claims were understood, on her part, not to be included in the Treaty. Notwithstanding, we had a speech from the First Lord of the Treasury, full of argument, full of illustration, and of rhetorical invective. Beyond that there has been a letter published by Mr. Reverdy Johnson, who had been engaged in the negotiation of the previous Treaty. The argument of Mr. Reverdy Johnson is a very able one, and together with the declaration of the noble Earl the Secretary of State and the speech of the First Lord of the Treasury appeared to be very convincing, and to be sufficient to show that, there being no express rule to the contrary, this Treaty ought, as Mr. Reverdy Johnson says, to follow the course of precedent, and particularly the precedent of what is known as the Jay Treaty, which was negotiated in 1794 at the request of Lord Grenville, and was approved by the President, General Washington—one of the greatest men who have lived in modern times. It was also negotiated under the auspices of Mr. Jefferson, a most able man, who was then Secretary of State to the United States. On questions of this kind there could be no greater authority than those whom I have named. But, unhappily, in spite of all this, and in spite of what has been declared by my noble Friend the Foreign Secretary, in spite of all precedent in Treaties, the American Government put forth in their Case which is to be submitted to the Arbitrators at Geneva a series of Claims which seem to me even now almost incredible. They ask compensation not only for the Direct Losses occasioned by the action of insurgent cruisers, and for the national expenditure occasioned since the commencement of the war in pursuit of these vessels, and the loss of trade and commerce; they ask, moreover, an indemnity for the prolongation of the war, and the addition of a large sum to the cost of the war, which they said had been continued by the captures at sea made by the *Alabama* and other ships. Hence arose what are now called the Indirect Claims. But Mr. Reverdy Johnson has shown in his pamphlet that the war by sea was of small importance, and that after the Battle of Gettysburg, when, according to the American Case, the war on land

had ceased, there were battles in which hundreds of thousands of citizens of the United States were killed or wounded. It is too much, therefore, to pretend that the war had virtually ceased at that time, and that it was prolonged only by the exertions of a few privateers; that appears to me to be utterly absurd. But then I should have thought that when Her Majesty's Government had declared so positively that these Indirect Claims were no part of the Treaty, and when Her Majesty had sanctioned that declaration in Her Gracious Speech from the Throne, there could be no doubt whatever that the Government would be completely justified in declaring that they would not negotiate on the basis of a Treaty to which they were not parties; that they never had agreed to the Treaty in the sense it was understood by the Government at Washington, and that therefore they could not go on with the Arbitration. It seems to me to be perfectly clear that to enter into negotiations to carry into effect a Treaty, to the making of which they were not parties, is something so extravagant that it could not for a moment be admitted. I think, therefore, the noble Earl the Foreign Secretary would have acted quite right in writing a short note asking that these Claims should be erased. I cannot very well conceive that a great Power such as Great Britain should persist in saying that it was not a party to the Treaty, while another Power persists in saying that Great Britain was a party to it. It appears to me that it would be more consonant to the amity of nations, and more consonant with the good faith of nations, to make such a declaration once for all, and act upon it without delay, without doubt or equivocation. But that was not the course which Her Majesty's Ministers pursued. Strange to say, we are now in the month of June—the same month in which last year the Treaty was brought forward here, and its ratification was considered—and we are now in the same state of doubt and uncertainty as we were when these questions were originally raised. Two reasons were urged against my persisting with the Motion which I then made, asking Her Majesty not to ratify the Treaty. It was said that the negotiations had gone too far, and the Commissioners had acted too precisely in pursuance of their powers to make it right for this House to ad-

dress Her Majesty to uphold her ratification without exciting much irritation and hostile feeling in the United States. When, therefore, I heard those reasons, and the noble and learned Lord (Lord Cairns), and the noble Earl opposite (the Earl of Derby), expressed a wish that I would not divide, I willingly agreed not to do so. The Treaty was ratified, and I conceive that it is your Lordships' duty, and that of every subject of Her Majesty, to endeavour to carry that ratified Treaty into effect, consistently with the honour of the Crown and consistently with the real meaning of the stipulations which it contains. That is undoubted; but it is an equally undoubted fact that we are not bound, and no party in England is bound, to comply with these Indirect Claims, these being Claims made without foundation or justification, and which the Secretary for Foreign Affairs declared, and which Her Majesty afterwards declared, were no part of the Treaty. My Lords, the Government of the United States did not concur in that view. They argued that these Indirect Claims were clearly part of the Treaty. Your Lordships will recollect that in the Correspondence on the subject, which has already been laid before Parliament, the arguments on both sides are urged with great force; and I confess that I agree with my noble Friend the Secretary of State for Foreign Affairs, and I agree with Mr. Reverdy Johnson, that the only fair interpretation of the Treaty is to leave out the Indirect Claims, and to understand the Treaty as if they did not belong to it. Well, my Lords, there has been other Correspondence—Correspondence not laid before Parliament, but which has nevertheless, so recently been laid before the public that I may refer to it—in which it is argued over and over again by Mr. Fish, who is confirmed by General Schenck, the American Convoy at Her Majesty's Court, that the Indirect Claims having been laid before the Arbitrators at Geneva, and having formed part of the Case that was officially placed before them, cannot be withdrawn; that the Case so stated is in possession of the Arbitrators, and must form part of the Case when they meet together again at Geneva. I confess it appears to me that that interpretation is extravagant and absurd. But if that is the case—since Her Majesty's Govern-

Earl Russell

ment cannot be called on to assist at the Arbitration when the Case put forward by the other side is not contained in the Treaty—I ask what is their course to pursue? I confess it appears to me not to be doubtful. The British authorities—Her Majesty herself, Her Secretary of State, every person belonging to the Cabinet, and I may say the great majority of the whole nation—have stated that these Claims form no part of the Treaty; and a public man who certainly is not inspired by any antipathy to the United States has given his opinion that Great Britain will never pay a farthing of the damages required on that ground. It appears to me that the United States have said—and they are not apt to flinch from any Claim they think it right to put forward—they have said they will go to the Arbitrators with these Indirect Claims contained in the document now before the Arbitrators. Her Majesty's servants would say as firmly and decidedly—"We shall never attend at Geneva, or before a tribunal to which these Indirect Claims are presented." Let your Lordships consider what would happen if they were to take the course of appearing before the Tribunal of Arbitration. It would be in the power of any of the Arbitrators—the Swiss Arbitrator or the Brazilian Arbitrator—to say—"These Claims with regard to the *Alabama*, asking for compensation for direct losses, are not the whole of the Claims laid before the Tribunal; there are Claims for the prolongation of the war, and various other Claims made by the United States, and I ask you to consider these Claims." Well, my Lords, it appears to me Her Majesty's representative would be placed in a very unfit and a very ignominious position if he found himself before a tribunal which insisted on taking these Claims into consideration. I am told there is some ingenious project in agitation; that the First Minister of the Crown, with the great abilities for which he is distinguished, is going to frame some scheme by which these Indirect Claims would be withdrawn, and yet not withdrawn—not to be brought into consideration and, at the same time, form the subject of numerous debates—consigned to eternal silence, and yet be kept to the memory of all future generations. Such a contradiction may be reconciled by the extreme ingenuity of the person who is

supposed to be the author of the project to which I am referring; but, for my part, I think it is not becoming the dignity of this or the other House of Parliament to listen to such logical refinements. It is our duty to speak plainly. The honour of our Government requires that we should speak in clear language, and say that until these Claims are withdrawn no representative of Her Majesty shall appear at Geneva. My Lords, there has been a great deal of mystery made—a great deal of needless mystery, as I think—with regard to the production of these Claims. We have been told that Parliament—this House and the House of Commons—must not be trusted with this secret, as it has not been laid before the Senate of the United States. My Lords, I think it was in November or December last year that I met in the South of France a gentleman much experienced in diplomacy. I stated to him that I hoped there was no truth in the report I had read in one of the English papers of the extravagant nature of the Claims—which might amount not only to millions, but to hundreds of millions—laid before the Arbitrators at Geneva, and that the Claims were not real. My friend immediately said—"You are quite wrong in that supposition, because in the *Journal de Genève*—a paper as much read as any on the Continent of Europe—the whole Case of the United States is put forth at length, and there is no extravagance you could mention which is not set forth in the printed report of that Case." My Lords, to debar the Houses of Parliament and debar the British nation from knowing what these claims were while they were paraded over Europe is an amount of prudence which I cannot understand. Well, then, may I now ask what followed from such a course? Every sort of logical subtlety, every sort of metaphysical refinement. But if we had said plainly—"We will not negotiate on the grounds of a Treaty to which we never were parties; we shall only agree to an Arbitration founded on what we knowingly, persistently, and willfully agreed to"—I believe if we acted in that way the United States would give us credit for more sense than they now suppose us to possess. They would say that, as we had not been caught—as we had not chosen to fall into the trap—the

matter must be arranged in another manner. Recollect, my Lords, that we are not asking something of America. We are not complaining that we have been wronged and asking for a large reparation in the shape of a money compensation. On the contrary, it is they who are coming to us and asking for a redress of wrongs; and we who are replying—"Let us have an examination of the case, and if we are wrong we shall cheerfully pay an indemnity." I remember a case in which is not of very old date; I spoke to one of the actors in it only very recently—I allude to the case of the Southern Commissioners who were taken out of the *Trent*, a British packet. That *Trent* case occurred when Lord Palmerston was Prime Minister. A representation was made to the Government of the day, and they considered the matter very fully, though they did not deliberate very long. Lord Palmerston said that before a demand was made that the Commissioners should be delivered into the custody of the British Government, the opinion of the Law Officers must be taken—though for himself he was of opinion that a demand of that nature should be made. The opinion of the Law Officers confirmed that of the Government—that the Commissioners had been wrongfully taken out of an English ship, and that the American Government was bound to hand them over to the custody of the British Government. Lord Palmerston took all the proper measures, and I, being Foreign Secretary, wrote a despatch—as civil a one as I could—on the subject. That despatch having been revised by the Prince Consort, was sent to our Minister, Lord Lyons, who was directed to convey an intimation that if immediate redress were not given the matter might assume a very serious aspect. Well, as your Lordships know, in the course of two or three days the Commissioners were allowed to come back. A short time ago I had an opportunity of meeting my old Friend Lord Lyons, and I asked him whether, in consequence of our action in the *Trent* case, he had found himself treated with bitterness or with more distance or reserve at Washington. He told me it had been quite the contrary—that there might have been some bitterness at first, but that in consequence of the former course we had followed the Americans respected us very

much more than they had before, and that the manner of the American Government had become more friendly to him than it had been before. Now, my Lords, my opinion is there is one thing American statesmen and the American nation do respect and do like, and it is that quality which in vulgar English is called "pluck." When they see that quality exhibited by the English people they respect and like us much more than they would if they saw anything on our part like a pusillanimous submission to unjust demands. I think, if they refuse to withdraw these Indirect Claims, and we refuse to go on with the Arbitration unless they are withdrawn, the result will be that no proceeding will be taken on this Treaty. The Correspondence which is stated to have come to light surreptitiously, but which I believe to be genuine for all that, shows that the two parties to the Washington Treaty are as wide asunder as the poles—Why not acknowledge the fact? Why not acknowledge that what we desire is in direct contradiction to what the American Government desires? That being so, if it were at once acknowledged, the present Treaty would lapse; but a time would probably arrive when the United States' Government would permit itself to be governed by those maxims which have guided the Governments of all other nations in corresponding circumstances, and which, even in recent as well as in past times, have guided American statesmen—such as guided Lord Grenville and General Washington in 1794, such as guided the noble Earl opposite (the Earl of Derby) and Mr. Reverdy Johnson when they were framing their Treaty, and as subsequently influenced the Earl of Clarendon when at the Foreign Office. My Lords, I agree with Mr. Reverdy Johnson that for the prolongation of the war we could under no circumstances be made answerable; but there is the question whether in respect of the *Alabama* and certain other vessels there was any negligence, any want of due diligence on the part of those who had the conduct of our affairs during the American War. My Lords, this question is not quite new to me; because Mr. Seward, the Secretary of State during the war, interrogated me as to whether I was prepared to refer the matter to Arbitration. I took no notice of that proposal at the time; but

Earl Russell

some time afterwards I informed Mr. Adams that it did not appear to me that that proposal would be acceptable to Her Majesty's Government. I had consulted Lord Palmerston previously to making that reply to Mr. Seward. There were two objections to the proposition. One was that the Americans could scarcely have made their case without throwing imputations on the honour of the English statesmen who had examined into the case of these vessels. The next objection was that the opinions of the Law Officers might be set aside. My Lords, what I then foresaw distinctly was what has since come to pass. You find that the American Government heap imputations on the persons whose duty it was to make inquiries for Her Majesty's Government in respect of those vessels. They allege that, so far from acting with the *bond fide* view of discovering whether those ships were being fitted up as fighting ships to make war in favour of the Southern Confederacy, they carried their carelessness so far that it amounted to evil intent, and that they did not act impartially. Now, my Lords, I do not think it consistent with the amity of two great nations that the Government of one should accuse the Prime Minister and the Secretary of State of the other of being so hypocritical and so unfair as to pretend to obtain opinions and evidence to convict persons engaged in an illegal proceeding, while in point of fact they were conniving at the illegal practices. That was one reason why I did not like the notion of Arbitration. Another reason was that I thought the opinion of the Law Officers would not be duly respected. Well, so far from respecting the opinion of the Law Officers, the negotiators of the Treaty of Washington have made new rules. Some of these are rather obscure—and one of them is particularly so. From this one, words have been left out which, in my opinion, ought to have been put into it. I will state what the omission is. In all authorities on the Law of Nations, and in all official documents of the Courts of Great Britain and those of America, it is stated that in the case of ships, such as those of which the United States complain, there are two questions for those who would interfere with them. First, you have to consider whether the ships are being built with the view of being fitted out as ships of war; and the second

question is, whether you have grounds for believing that when so fitted up they are to be employed in warlike operations against an ally. Now, in a new rule contained in this Treaty the first consideration is inserted; but the second, whether the vessel is being fitted up, the words "with the intention of making war on a friend or ally" are omitted. It is said that a great authority—I believe Sir Roundell Palmer—is of opinion that the rule is sufficiently explicit, and that notwithstanding the omission of these words the meaning is clearly conveyed. But where there has been so much refinement, and such a different sense has been given to words from that which one would suppose them to bear, I think that there should have been no such omission in the new rule. Indeed, the very evils I foresaw when the proposal for Arbitration was made have occurred. My Lords, I believe they might have been guarded against. I believe our negotiators at Washington might have made the terms of the Treaty so clear that it would have been impossible to set up those Indirect Claims under them. But our Commissioners were not what Mr. Burke described the educated Americans of his time to be—they were not particularly versed in the science of law, that study which makes men inquisitive, makes them ready with all kinds of engagements, prompt in reply to objections, and always ingenious in proposing schemes—and, unhappily, they omitted to put in the Treaty of Washington plain, precise words which would have prevented any such misunderstanding as that which has arisen. My Lords, there is another topic—the last one with which I have to trouble your Lordships, but one which I must not omit to mention before I conclude what I have to say in introducing my Motion. It has reference to Canada. Your Lordships are aware that the Claim made by the Americans is for loss of property—the Americans complain that ships of which they were owners had been captured, and that they had lost much property in consequence—I do not think that the proceedings of the *Alabama* or of any other of the vessels resulted in bloodshed. It is not so, unhappily, in the case of Canada. There was a raid into that colony of which Sir John Macdonald speaks in a speech of four hours, delivered by him in the Canada House of

Commons. He says that in the raid many Canadians lost their lives, and that there was a great destruction of property as well. He says he had been blamed for not having obtained reparation; for that American citizens had lost property, but they immediately went to their Government and obtained redress. I know how their Government acted, because the whole time this destruction of property continued I constantly received from Mr. Adams demands for compensation on account of loss of property in respect of which complaints had been sent in by American citizens. Sir John Macdonald says that knowing of these raids, and knowing of the loss of life and property incurred by means of them, and knowing that Canada could not obtain redress from the United States, he applied to the Government of Great Britain—he applied to his own Government, and asked them to demand from the Government of the United States some indemnity for the loss—to demand reparation to the families of persons who had been killed or who had suffered wounds in those hostilities. The American Government had listened favourably, and had listened faithfully, to the demands which the American citizens had made. But what did our own Government do? Nothing whatsoever. The statement comes with the authority of Sir John Macdonald, the Prime Minister of Canada. He complained of this as a great injustice; but that a Member of the Canadian Parliament, seeing the defect in the reference, said to him—"You cannot get redress from the Commissioners who are negotiating the Treaty, because the English Government has never referred this Case as one requiring redress, and, therefore, you cannot press your Claims." That being so, it has been said—I do not know on what authority—that when everything had been settled except the question of the Fenian raids the Government sent directions to our negotiators at Washington not to press the Claims put forward. Sir John Macdonald entirely disposes of that, because he says that the reason they were not pressed was they never had been referred at all; that the British Government never having asked in a formal manner for a recognition of those Claims, the Canadians were entirely out of court in consequence of that neglect. My Lords, I say

that I feel humiliated at the negligence — the great negligence — which was shown in not urging those claims. I am of opinion that, as Sir John Macdonald says, we ought to consider Canada as the right arm of this Empire. Nothing can be more loyal, nothing more faithful, than the conduct of the Canadians. They ought to be met with a corresponding generosity. I do not think it would be wise to show an indifference to that great colonial possession. It is by treating all the various portions of the British dominions well—by acting faithfully in the interests of all, and not by armies and fleets, that we can bind together all parts of the Empire and make them loyal and affectionate to the Crown and the Government of the Empire. My Lords, it is with these sentiments, and trusting that by the interposition of this House this question may receive a fitting solution, and that on this and on every other occasion we may show a due regard to the honour and dignity of the Crown, I submit to your Lordships the Resolution of which I have given Notice.

Moved, that an humble Address be presented to Her Majesty praying that Her Majesty will be graciously pleased to give instructions that all proceedings on behalf of Her Majesty before the Arbitrators appointed to meet at Geneva pursuant to the Treaty of Washington be suspended until the claims included in the Case submitted on behalf of the United States, and understood on the part of Her Majesty not to be within the province of the Arbitrators, have been withdrawn.
—(*The Earl Russell*.)

EARL GRANVILLE: My Lords, I rise under a sense of grave responsibility involved in following the noble Earl who has just made this Motion of Want of Confidence in Her Majesty's Government. I think that the noble Earl has somewhat failed in explaining to your Lordships that which appears to me to be difficult to understand—namely, his proceeding with regard to this particular Motion. Your Lordships are aware that on two occasions, either spontaneously or at the advice of his Friends, the noble Earl postponed his Motion. He postponed it a third time, very kindly, in reply to an appeal which I made to him before the Whitsuntide holidays. After the Supplemental Article had appeared in the newspapers, as I stated to your Lordships yesterday, nothing ever gave me greater pleasure than to hear my

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noble Friend say that he approved the course I had taken; and he at the same time added some kind phrases of which I knew I was undeserving, but which I accepted with pleasure as a token of our long-continued friendship. I heard nothing more until 2 o'clock yesterday, when, in the course of a conversation which I then held with the noble Earl, he informed me that he did not intend to move a Vote of Censure upon the Government, but that he purposed confining his Motion to a request for the production of Correspondence. I was therefore astonished when, at 5 o'clock, three hours afterwards, he stated it was his intention to proceed with his Motion as it appeared on the Notice Paper. It is true that he gave as his reason for adopting that course the publication of the Correspondence surreptitiously communicated to the New York paper. Now, my Lords, the noble Earl during the whole of his speech has, with regard to recent transactions, very naturally spoken and inferred things from facts with which he is not well acquainted, and therefore I am not surprised—although I think I gave some explanation of that Correspondence yesterday—that the noble Earl does not see that it is not in the slightest degree applicable to the present state of things. That Correspondence occurred during a time when the discussion between ourselves and the United States' Government was carried on upon the basis of an interchange of Notes; and I explained yesterday exactly what the United States' Government held—which was, that although the President had the power to desire his agents to follow a certain procedure before the Arbitrators, he had no power by the Constitution of the United States either to withdraw or to do anything equivalent to a withdrawal of the Indirect Claims from before the Tribunal, or further to enter into any engagement with us by which we should mutually bind ourselves for the future to maintain the principles we had already advanced. But all this Correspondence occurred before we signified our consent to negotiate on the basis of a Treaty Article. That Treaty Article entirely changed the nature of things. No one can pretend that the United States' Government have not the right to put their own construction upon the Treaty. Putting that construction upon the Treaty, they believed they had

a right to prefer these Indirect Claims; and believing that, their contention was that these claims can only be got rid of by a fresh Treaty, sanctioned by the Senate, or by referring them to the Arbitrators and leaving them to deal with them as they should think fit. So that, as far as the Correspondence is concerned, there is absolutely nothing to be found in it which can justify my noble Friend's change.

My Lords, there are, of course, some things in my noble Friend's speech with which I agree; much with which I should be sorry to express any concurrence in detail, and much from which I entirely disagree. As far as my memory will serve me, I will touch upon some of the points on which the noble Earl dwelt.

I think he began by stating that the composition of the British Commission was not sufficient for the purpose. I am bound to say—although this sentiment has been already expressed this year—that it comes somewhat late; because when the composition of that Commission was announced, I did not hear one single word of objection to any of the Commissioners appointed—on the contrary, the noble Earl himself, speaking in his place in Parliament, said he entirely approved the composition of the Commission. The noble Earl opposite (the Earl of Malmesbury) complained the other day that we had not appointed diplomatists. I had not the right of reply then, but I was unable to understand the accusation—for one of the members of the Commission was Sir Edward Thornton, one of the most experienced Members of the Diplomatic Body, and a man especially selected by the noble Earl opposite (the Earl of Malmesbury) to occupy the difficult position of Minister at Washington; and, as both he and your Lordships know, Sir Edward Thornton enjoyed to a great extent the confidence of the late Earl of Clarendon.

THE EARL OF MALMESBURY: I beg to explain that what I said was that I regretted that the President of the Commission had not been an experienced diplomatist:—because there were three or four distinguished diplomatists—I will not name them, because some of them are present in the House this evening—who had had 30 or 40 years' experience, and who ought to have been

the men selected to preside over a body appointed to conduct so important a negotiation.

EARL GRANVILLE: I have mentioned a Member of the Commission who is not only a most experienced diplomatist, but who is one of the persons best acquainted with the present state of America; and that, I think, is a sufficient answer to the objection. But I will go further—I will say that, in my opinion, it was a great object to have a political element in the Commission, and that a statesman of high political character should be included in it. In that respect I believe that the high official position of my noble Friend (the Marquess of Ripon) was an advantage; and although I do not like to say a word about a Colleague in his presence, I will say that I should like to refer to the Commissioners who were with him—and I should not fear to include the American Commissioners—to know whether, in their opinion, anything was wanting on his part in care, or in knowledge, or in firmness, in conducting this negotiation. An hon. Friend of mine, who is very apt to hit the right nail on its head with a joke, observed in "another place" that a sharp attorney would have settled the matter in five minutes. I do not believe that; I do not believe that the sharpest of attorneys would have settled the matter in five minutes, or in five months, or in five years; but what I feel sure of is this—that nothing would have induced me to have been a party to a negotiation of this sort being carried on between two great friendly countries on any such principle as seems to be implied in that epithet. With regard to the charge that the Commission was entirely deficient in law, I utterly deny it. One Member of the Commission, Sir John Macdonald, to whom the noble Earl (Earl Russell) has paid such a high tribute, was not only eminently fitted for the office by his position as Prime Minister of Canada, but by the fact that he was Minister of Justice for that country. Again, Mr. Mountague Bernard was selected from one of our Universities for his intimate acquaintance with International Law, and as the writer of one of the best books on the subject. I venture to say that this was another high legal element in the Commission. Then the Secretary to the Commission,

Lord Tenterden, who was trained in the Foreign Office, was—as I mentioned the other day—absolutely recommended to me by the noble Earl opposite as one of the three best International lawyers in this country. And then there was my right hon. Friend Sir Stafford Northcote, to whom I am deeply grateful for having joined the Commission. I am glad he did so, because it gave a more national character to the Commission; and even if that right hon. Gentleman had not had the qualification of being one of the leaders of the Conservative party, he had other personal qualifications of the highest order. Sir Stafford Northcote was many years ago called to the Bar; and when, some 25 years since, I first met him at the Board of Trade, he was then engaged in one of the branches of the permanent Civil Service, where the responsibility of drafting Treaties rested almost entirely upon him, and where he had the reputation of being one of the most accurate draftsmen in the whole Civil Service. I say, therefore, that that was a proper Commission to select; and on that point I agree with the observations made by my noble Friend last year—that no objection was to be made to it—instead of with the opinions he holds this year. Now, I quite agree that it was no use having a number of good workmen unless the work was well done; that it was of no use having a number of good cooks unless they cooked a dinner that was fit to eat. But I say, also, that the Commissioners did their work well, and I say also it is all very well to pick holes in a Treaty now which was generally approved last year—as was shown even in the proceedings of your Lordships' House. For when my noble Friend says that he consented to withdraw his Motion last year, my noble Friend is incorrect. So far from withdrawing his Motion, my noble Friend insisted upon having it negatived by your Lordships' House. [EARL RUSSELL: I did not divide.] No, my noble Friend did not divide—he only abstained from dividing because it was evident that he would have been left in a very small minority. The proceedings at that time in the House of Commons also showed that the feeling of the country generally was in favour of the Treaty. I think I have never concealed—I believe I have already several times expressed my regret at the omission from the Treaty of

Earl Granville

any demand on account of the Fenian raids; but when my noble Friend complained that in the original letter these Claims were not included, I must refer a little further back. I rather think my noble Friend was Secretary of State when they occurred, and yet I am not aware that any Claim in respect to them was ever made against America either by my noble Friend, or that the Conservative Government ever took such a course. But besides the question of expediency, other reasons were given for not pressing these Claims, as that they were partly indirect, and had not arisen at the time of the Civil War; and I hold that we adopted the most discreet policy in regard to them. It is to be regretted, and it is the one omission in the Treaty which I am ready to admit. The noble Earl (Earl Russell), in the course of his speech, said the one point on which the whole misunderstanding exists is whether my noble Friend and his Colleagues did or did not exclude the Indirect Claims from the Washington Treaty. At the beginning of his speech the noble Earl said they were so excluded; and if that is so, I, for one, cannot see how any great blame can attach to the Commissioners—they could only be blamed for not having excluded the Indirect Claims; and, therefore, I cannot reconcile the inconsistent statement which the noble Earl made at the beginning of his speech with the general tenour of his observations. As I have often said in this House, Her Majesty's Government had no intention to include the Indirect Claims in the Treaty, and we had reason to believe that the American Commissioners had no such intention; and that they were, in fact, included.

My Lords, in the observations I am now about to make I wish to avoid anything at all of a criminatory or recriminatory character with regard to the American Government or the American Commissioners, because I think we have arrived at that point where, practically, the Indirect Claims have been abandoned. But I may, without any want of kindly feeling towards the American Government, defend the British Commissioners and Her Majesty's Government upon the three points which I have mentioned. I will not trouble your Lordships at any length upon the first of these points, because I do not think there is anyone of your Lord-

ships who believes that Her Majesty's Government or Commissioners ever attended to include these Claims in the Treaty. With regard to the ground we had to suppose that such was the intention of the American Commissioners, I need only mention two facts. One fact is that on a particular day—I forget precisely which—we received a simple statement from the British Commissioners that the American Commissioners had waived the Indirect Claims. The other fact upon which Her Majesty's Government grounded their belief is the Protocol, which is open to your Lordships equally with myself. It appears to me clear as the day that the Indirect Claims were waived by that Protocol. The Americans say that the waiver was contingent upon a particular settlement—an “amicable settlement”—involving the payment of a large gross sum of money. All I can say is that we have never entertained the payment of a sum of money. We all know the noble Earl's opposition to the principle of Arbitration, and we must have all thought it somewhat inconsistent with that opposition when, in the autumn of 1870, the noble Earl published a suggestion for the payment of a gross sum of money to the Americans, and so, as it seemed to me, gave up the very principle which had been maintained by each succeeding Government since there was any question of these claims at all. If noble Lords will look at the Protocol I think they will agree with me that there is no connection between this waiver on the part of the American Government and the settlement of these Claims by the payment of a sum of money. The words there used are “an amicable settlement,” and are as general in their meaning as any words can possibly be, and the same words are repeated both in Mr. Fish's letter, written in January, 1871, in our despatches, in our instructions, and in the Preamble of the Treaty itself. I therefore say that, as far as we can judge by language, the waiver of these Indirect Claims is complete.

My Lords, I now come to the question of whether they are excluded under the Treaty itself. With regard to this point we certainly have the authority of the noble and learned Lord opposite (Lord Cairns), that the terms of the Treaty would admit the introduction of the Indirect Claims; but surely that opinion

cannot, under the circumstances, be considered decisive, however high the noble and learned Lord's reputation as a lawyer. But even if I waive the authority of the professional advisers of the Government which I am not prepared to do—there is other authority to which I may appeal. Several Judges of the highest position and character in this country have expressed to me very strongly their opinions that the Claims are excluded by the Treaty; but as I have not the authority of those learned Judges I cannot name them. There are others, however, whose authority I may quote. Some days ago I had the pleasure of meeting the highest Judge in Chancery who has not a seat in this House and who may therefore be supposed to be the more free from political bias; and that learned Judge told me that, having spent 40 years of his life in drawing legal documents and construing legal documents drawn by other persons, his deliberate conviction was that the Treaty of Washington was admirably well drawn to effect the purpose of the British Commissioners. On my asking the learned Judge's authority to quote his opinion, he replied—“I have not the slightest objection, for I have expressed the same opinion to everyone with whom I have conversed on the subject.” And it so happens that half-an-hour ago I met a member, I believe the eldest member of the Judicial Bench at Common Law—who told me that, in his opinion, the plain reading of the Article in the Treaty was to exclude the Indirect Claims, and, further, that he had never met a man who held a contrary opinion. These are very eminent authorities; but, in addition, I might quote the greatest American jurists, and among others, Mr. Beech Lawrence, editor of Wheaton's great work on International Law; Professor Wolsey, the venerable ex-President of Yale College; Mr. Ticknor Curtis, the author of *The Constitutional History of the United States*; and Mr. Reverdy Johnson—all of whom have publicly stated their concurrence with us in the opinion that the Treaty of Washington does not include the Indirect Claims. But I do not wish to rest upon authorities upon this matter. I will ask your Lordships, if you have not already done so, to read the arguments contained in the despatch and in the Memorandum of the 20th of March sent by us to the

much more than they had before, and that the manner of the American Government had become more friendly to him than it had been before. Now, my Lords, my opinion is there is one thing American statesmen and the American nation do respect and do like, and it is that quality which in vulgar English is called "pluck." When they see that quality exhibited by the English people they respect and like us much more than they would if they saw anything on our part like a pusillanimous submission to unjust demands. I think, if they refuse to withdraw these Indirect Claims, and we refuse to go on with the Arbitration unless they are withdrawn, the result will be that no proceeding will be taken on this Treaty. The Correspondence which is stated to have come to light surreptitiously, but which I believe to be genuine for all that, shows that the two parties to the Washington Treaty are as wide asunder as the poles—Why not acknowledge the fact? Why not acknowledge that what we desire is in direct contradiction to what the American Government desires? That being so, if it were at once acknowledged, the present Treaty would lapse; but a time would probably arrive when the United States' Government would permit itself to be governed by those maxims which have guided the Governments of all other nations in corresponding circumstances, and which, even in recent as well as in past times, have guided American statesmen—such as guided Lord Grenville and General Washington in 1794, such as guided the noble Earl opposite (the Earl of Derby) and Mr. Reverdy Johnson when they were framing their Treaty, and as subsequently influenced the Earl of Clarendon when at the Foreign Office. My Lords, I agree with Mr. Reverdy Johnson that for the prolongation of the war we could under no circumstances be made answerable; but there is the question whether in respect of the *Alabama* and certain other vessels there was any negligence, any want of due diligence on the part of those who had the conduct of our affairs during the American War. My Lords, this question is not quite new to me; because Mr. Seward, the Secretary of State during the war, interrogated me as to whether I was prepared to refer the matter to Arbitration. I took no notice of that proposal at the time; but

Earl Russell

some time afterwards I informed Mr. Adams that it did not appear to me that that proposal would be acceptable to Her Majesty's Government. I had consulted Lord Palmerston previously to making that reply to Mr. Seward. There were two objections to the proposition. One was that the Americans could scarcely have made their case without throwing imputations on the honour of the English statesmen who had examined into the case of these vessels. The next objection was that the opinions of the Law Officers might be set aside. My Lords, what I then foresaw distinctly was what has since come to pass. You find that the American Government heap imputations on the persons whose duty it was to make inquiries for Her Majesty's Government in respect of those vessels. They allege that, so far from acting with the *bond fide* view of discovering whether those ships were being fitted up as fighting ships to make war in favour of the Southern Confederacy, they carried their carelessness so far that it amounted to evil intent, and that they did not act impartially. Now, my Lords, I do not think it consistent with the amity of two great nations that the Government of one should accuse the Prime Minister and the Secretary of State of the other of being so hypocritical and so unfair as to pretend to obtain opinions and evidence to convict persons engaged in an illegal proceeding, while in point of fact they were conniving at the illegal practices. That was one reason why I did not like the notion of Arbitration. Another reason was that I thought the opinion of the Law Officers would not be duly respected. Well, so far from respecting the opinion of the Law Officers, the negotiators of the Treaty of Washington have made new rules. Some of these are rather obscure—and one of them is particularly so. From this one, words have been left out which, in my opinion, ought to have been put into it. I will state what the omission is. In all authorities on the Law of Nations, and in all official documents of the Courts of Great Britain and those of America, it is stated that in the case of ships, such as those of which the United States complain, there are two questions for those who would interfere with them. First, you have to consider whether the ships are being built with the view of being fitted out as ships of war; and the second

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EARL GRANVILLE: My Lords, I rise under a sense of grave responsibility involved in following the noble Earl who has just made this Motion of Want of Confidence in Her Majesty's Government. I think that the noble Earl has somewhat failed in explaining to your Lordships that which appears to me to be difficult to understand—namely, his proceeding with regard to this particular Motion. Your Lordships are aware that on two occasions, either spontaneously or at the advice of his Friends, the noble Earl postponed his Motion. He postponed it a third time, very kindly, in reply to an appeal which I made to him before the Whitsuntide holidays. After the Supplemental Article had appeared in the newspapers, as I stated to your Lordships yesterday, nothing ever gave me greater pleasure than to hear my

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noble Friend say that he approved the course I had taken; and he at the same time added some kind phrases of which I knew I was undeserving, but which I accepted with pleasure as a token of our long-continued friendship. I heard nothing more until 2 o'clock yesterday, when, in the course of a conversation which I then held with the noble Earl, he informed me that he did not intend to move a Vote of Censure upon the Government, but that he purposed confining his Motion to a request for the production of Correspondence. I was therefore astonished when, at 5 o'clock, three hours afterwards, he stated it was his intention to proceed with his Motion as it appeared on the Notice Paper. It is true that he gave as his reason for adopting that course the publication of the Correspondence surreptitiously communicated to the New York paper. Now, my Lords, the noble Earl during the whole of his speech has, with regard to recent transactions, very naturally spoken and inferred things from facts with which he is not well acquainted, and therefore I am not surprised—although I think I gave some explanation of that Correspondence yesterday—that the noble Earl does not see that it is not in the slightest degree applicable to the present state of things. That Correspondence occurred during a time when the discussion between ourselves and the United States' Government was carried on upon the basis of an interchange of Notes; and I explained yesterday exactly what the United States' Government held—which was, that although the President had the power to desire his agents to follow a certain procedure before the Arbitrators, he had no power by the Constitution of the United States either to withdraw or to do anything equivalent to a withdrawal of the Indirect Claims from before the Tribunal, or further to enter into any engagement with us by which we should mutually bind ourselves for the future to maintain the principles we had already advanced. But all this Correspondence occurred before we signified our consent to negotiate on the basis of a Treaty Article. That Treaty Article entirely changed the nature of things. No one can pretend that the United States' Government have not the right to put their own construction upon the Treaty. Putting that construction upon the Treaty, they believed they had

a right to prefer these Indirect Claims; and believing that, their contention was that these claims can only be got rid of by a fresh Treaty, sanctioned by the Senate, or by referring them to the Arbitrators and leaving them to deal with them as they should think fit. So that, as far as the Correspondence is concerned, there is absolutely nothing to be found in it which can justify my noble Friend's change.

My Lords, there are, of course, some things in my noble Friend's speech with which I agree; much with which I should be sorry to express any concurrence in detail, and much from which I entirely disagree. As far as my memory will serve me, I will touch upon some of the points on which the noble Earl dwelt.

I think he began by stating that the composition of the British Commission was not sufficient for the purpose. I am bound to say—although this sentiment has been already expressed this year—that it comes somewhat late; because when the composition of that Commission was announced, I did not hear one single word of objection to any of the Commissioners appointed—on the contrary, the noble Earl himself, speaking in his place in Parliament, said he entirely approved the composition of the Commission. The noble Earl opposite (the Earl of Malmesbury) complained the other day that we had not appointed diplomatists. I had not the right of reply then, but I was unable to understand the accusation—for one of the members of the Commission was Sir Edward Thornton, one of the most experienced Members of the Diplomatic Body, and a man especially selected by the noble Earl opposite (the Earl of Malmesbury) to occupy the difficult position of Minister at Washington; and, as both he and your Lordships know, Sir Edward Thornton enjoyed to a great extent the confidence of the late Earl of Clarendon.

THE EARL OF MALMESBURY: I beg to explain that what I said was that I regretted that the President of the Commission had not been an experienced diplomatist:—because there were three or four distinguished diplomatists—I will not name them, because some of them are present in the House this evening—who had had 30 or 40 years' experience, and who ought to have been

the men selected to preside over a body appointed to conduct so important a negotiation.

EARL GRANVILLE: I have mentioned a Member of the Commission who is not only a most experienced diplomatist, but who is one of the persons best acquainted with the present state of America; and that, I think, is a sufficient answer to the objection. But I will go further—I will say that, in my opinion, it was a great object to have a political element in the Commission, and that a statesman of high political character should be included in it. In that respect I believe that the high official position of my noble Friend (the Marquess of Ripon) was an advantage; and although I do not like to say a word about a Colleague in his presence, I will say that I should like to refer to the Commissioners who were with him—and I should not fear to include the American Commissioners—to know whether, in their opinion, anything was wanting on his part in care, or in knowledge, or in firmness, in conducting this negotiation. An hon. Friend of mine, who is very apt to hit the right nail on its head with a joke, observed in "another place" that a sharp attorney would have settled the matter in five minutes. I do not believe that; I do not believe that the sharpest of attorneys would have settled the matter in five minutes, or in five months, or in five years; but what I feel sure of is this—that nothing would have induced me to have been a party to a negotiation of this sort being carried on between two great friendly countries on any such principle as seems to be implied in that epithet. With regard to the charge that the Commission was entirely deficient in law, I utterly deny it. One Member of the Commission, Sir John Macdonald, to whom the noble Earl (Earl Russell) has paid such a high tribute, was not only eminently fitted for the office by his position as Prime Minister of Canada, but by the fact that he was Minister of Justice for that country. Again, Mr. Mountague Bernard was selected from one of our Universities for his intimate acquaintance with International Law, and as the writer of one of the best books on the subject. I venture to say that this was another high legal element in the Commission. Then the Secretary to the Commission,

Lord Tenterden, who was trained in the Foreign Office, was—as I mentioned the other day—absolutely recommended to me by the noble Earl opposite as one of the three best International lawyers in this country. And then there was my right hon. Friend Sir Stafford Northcote, to whom I am deeply grateful for having joined the Commission. I am glad he did so, because it gave a more national character to the Commission; and even if that right hon. Gentleman had not had the qualification of being one of the leaders of the Conservative party, he had other personal qualifications of the highest order. Sir Stafford Northcote was many years ago called to the Bar; and when, some 25 years since, I first met him at the Board of Trade, he was then engaged in one of the branches of the permanent Civil Service, where the responsibility of drafting Treaties rested almost entirely upon him, and where he had the reputation of being one of the most accurate draftsmen in the whole Civil Service. I say, therefore, that that was a proper Commission to select; and on that point I agree with the observations made by my noble Friend last year—that no objection was to be made to it—instead of with the opinions he holds this year. Now, I quite agree that it was no use having a number of good workmen unless the work was well done; that it was of no use having a number of good cooks unless they cooked a dinner that was fit to eat. But I say, also, that the Commissioners did their work well, and I say also it is all very well to pick holes in a Treaty now which was generally approved last year—as was shown even in the proceedings of your Lordships' House. For when my noble Friend says that he consented to withdraw his Motion last year, my noble Friend is incorrect. So far from withdrawing his Motion, my noble Friend insisted upon having it negatived by your Lordships' House. [Earl Russell: I did not divide.] No, my noble Friend did not divide—he only abstained from dividing because it was evident that he would have been left in a very small minority. The proceedings at that time in the House of Commons also showed that the feeling of the country generally was in favour of the Treaty. I think I have never concealed—I believe I have already several times expressed my regret at the omission from the Treaty of

Earl Granville

any demand on account of the Fenian raids; but when my noble Friend complained that in the original letter these Claims were not included, I must refer a little further back. I rather think my noble Friend was Secretary of State when they occurred, and yet I am not aware that any Claim in respect to them was ever made against America either by my noble Friend, or that the Conservative Government ever took such a course. But besides the question of expediency, other reasons were given for not pressing these Claims, as that they were partly indirect, and had not arisen at the time of the Civil War; and I hold that we adopted the most discreet policy in regard to them. It is to be regretted, and it is the one omission in the Treaty which I am ready to admit. The noble Earl (Earl Russell), in the course of his speech, said the one point on which the whole misunderstanding exists is whether my noble Friend and his Colleagues did or did not exclude the Indirect Claims from the Washington Treaty. At the beginning of his speech the noble Earl said they were so excluded; and if that is so, I, for one, cannot see how any great blame can attach to the Commissioners—they could only be blamed for not having excluded the Indirect Claims; and, therefore, I cannot reconcile the inconsistent statement which the noble Earl made at the beginning of his speech with the general tenour of his observations. As I have often said in this House, Her Majesty's Government had no intention to include the Indirect Claims in the Treaty, and we had reason to believe that the American Commissioners had no such intention; and that they were, in fact, included.

My Lords, in the observations I am now about to make I wish to avoid anything at all of a criminatory or recriminatory character with regard to the American Government or the American Commissioners, because I think we have arrived at that point where, practically, the Indirect Claims have been abandoned. But I may, without any want of kindly feeling towards the American Government, defend the British Commissioners and Her Majesty's Government upon the three points which I have mentioned. I will not trouble your Lordships at any length upon the first of these points, because I do not think there is anyone of your Lord-

ships who believes that Her Majesty's Government or Commissioners ever attended to include these Claims in the Treaty. With regard to the ground we had to suppose that such was the intention of the American Commissioners, I need only mention two facts. One fact is that on a particular day—I forget precisely which—we received a simple statement from the British Commissioners that the American Commissioners had waived the Indirect Claims. The other fact upon which Her Majesty's Government grounded their belief is the Protocol, which is open to your Lordships equally with myself. It appears to me clear as the day that the Indirect Claims were waived by that Protocol. The Americans say that the waiver was contingent upon a particular settlement—an “amicable settlement”—involving the payment of a large gross sum of money. All I can say is that we have never entertained the payment of a sum of money. We all know the noble Earl's opposition to the principle of Arbitration, and we must have all thought it somewhat inconsistent with that opposition when, in the autumn of 1870, the noble Earl published a suggestion for the payment of a gross sum of money to the Americans, and so, as it seemed to me, gave up the very principle which had been maintained by each succeeding Government since there was any question of these claims at all. If noble Lords will look at the Protocol I think they will agree with me that there is no connection between this waiver on the part of the American Government and the settlement of these Claims by the payment of a sum of money. The words there used are “an amicable settlement,” and are as general in their meaning as any words can possibly be, and the same words are repeated both in Mr. Fish's letter, written in January, 1871, in our despatches, in our instructions, and in the Preamble of the Treaty itself. I therefore say that, as far as we can judge by language, the waiver of these Indirect Claims is complete.

My Lords, I now come to the question of whether they are excluded under the Treaty itself. With regard to this point we certainly have the authority of the noble and learned Lord opposite (Lord Cairns), that the terms of the Treaty would admit the introduction of the Indirect Claims; but surely that opinion

cannot, under the circumstances, be considered decisive, however high the noble and learned Lord's reputation as a lawyer. But even if I waive the authority of the professional advisers of the Government which I am not prepared to do—there is other authority to which I may appeal. Several Judges of the highest position and character in this country have expressed to me very strongly their opinions that the Claims are excluded by the Treaty; but as I have not the authority of those learned Judges I cannot name them. There are others, however, whose authority I may quote. Some days ago I had the pleasure of meeting the highest Judge in Chancery who has not a seat in this House and who may therefore be supposed to be the more free from political bias; and that learned Judge told me that, having spent 40 years of his life in drawing legal documents and construing legal documents drawn by other persons, his deliberate conviction was that the Treaty of Washington was admirably well drawn to effect the purpose of the British Commissioners. On my asking the learned Judge's authority to quote his opinion, he replied—“I have not the slightest objection, for I have expressed the same opinion to everyone with whom I have conversed on the subject.” And it so happens that half-an-hour ago I met a member, I believe the eldest member of the Judicial Bench at Common Law—who told me that, in his opinion, the plain reading of the Article in the Treaty was to exclude the Indirect Claims, and, further, that he had never met a man who held a contrary opinion. These are very eminent authorities; but, in addition, I might quote the greatest American jurists, and among others, Mr. Beech Lawrence, editor of Wheaton's great work on International Law; Professor Wolsey, the venerable ex-President of Yale College; Mr. Ticknor Curtis, the author of *The Constitutional History of the United States*; and Mr. Reverdy Johnson—all of whom have publicly stated their concurrence with us in the opinion that the Treaty of Washington does not include the Indirect Claims. But I do not wish to rest upon authorities upon this matter. I will ask your Lordships, if you have not already done so, to read the arguments contained in the despatch and in the Memorandum of the 20th of March sent by us to the

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any demand on account of the Fenian raids; but when my noble Friend complained that in the original letter these Claims were not included, I must refer a little further back. I rather think my noble Friend was Secretary of State when they occurred, and yet I am not aware that any Claim in respect to them was ever made against America either by my noble Friend, or that the Conservative Government ever took such a course. But besides the question of expediency, other reasons were given for not pressing these Claims, as that they were partly indirect, and had not arisen at the time of the Civil War; and I hold that we adopted the most discreet policy in regard to them. It is to be regretted, and it is the one omission in the Treaty which I am ready to admit. The noble Earl (Earl Russell), in the course of his speech, said the one point on which the whole misunderstanding exists is whether my noble Friend and his Colleagues did or did not exclude the Indirect Claims from the Washington Treaty. At the beginning of his speech the noble Earl said they were so excluded; and if that is so, I, for one, cannot see how any great blame can attach to the Commissioners—they could only be blamed for not having excluded the Indirect Claims; and, therefore, I cannot reconcile the inconsistent statement which the noble Earl made at the beginning of his speech with the general tenour of his observations. As I have often said in this House, Her Majesty's Government had no intention to include the Indirect Claims in the Treaty, and we had reason to believe that the American Commissioners had no such intention; and that they were, in fact, included.

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United States, in which it is, I think, clearly shown that the Claims could not go beyond what were generically known as "the *Alabama* Claims," which have been clearly ascertained and shown. The whole correspondence that has passed between Lord Clarendon, Mr. Adams, Mr. Fish, and Mr. Seward, shows clearly that the "Claims" as understood by them related only to what we know as the Direct Claims. It is never satisfactory to hear one side of a question, however; and I therefore ask your Lordships to read the reply made to a portion of the statements, contained in the Memorandum to which I refer. If your Lordships do this you will see it nowhere contended that the Indirect Claims were included. In no spirit of recrimination against the American Government—for I fully admit their right to put their own construction upon the Treaty—but, in justice to the British Commissioners, and to ourselves who appointed and sanctioned the acts of those Commissioners I desire to point out that neither they nor we have ever used a word which could imply even a doubt upon the point of the exclusion of the Indirect Claims for the Treaty of Washington—and that is the only point on which misunderstanding has arisen. I think, then, that the terms of censure which have been bestowed upon my noble Friend and his Colleagues in some quarters, and even the mild reproach of the noble Earl that they were not equal to the occasion, are perfectly unfounded and unjust. The noble Earl has told us that we ought to have put forward this question of the Indirect Claims at the very beginning of our proceedings in reference to this question, and he told us a story, part of which I knew, but part of which was certainly not within my knowledge. I believe Her Majesty's Government were perfectly justified in taking the course they did in the *Trent* affair; but I was altogether unaware of the fact that my noble Friend took the personal course, apart from the sanction of the Sovereign, and, as it would seem, without the consent of his Colleagues, of sending a private threat of a very serious character to the American Government. Threats, unless you are perfectly prepared to execute them, are not certainly the wisest way of carrying on negotiations, and we should have been in a very awkward position if the American Government

Earl Granville

had been in a position not only to demand the extradition of Mr. Mason and Mr. Slidell, but to accompany the demand with a very marked threat in the event of non-compliance. When the noble Earl says that his is the way to make the Americans civil, I entirely deny it. The result of what has occurred in reference to that matter has been a feeling of the greatest bitterness in the minds of the people of the United States, and which has not tended to create harmony between the two countries. The noble Earl then went on to discuss the Treaty of last year; but I protest against the only inference I can draw from what he said—which was that because he is opposed to the principle of Arbitration we should take no means to get rid of what he admits to be a bad Treaty. I am perfectly convinced that should this Treaty unfortunately fall to the ground—which is not yet certain—we shall stand better before the whole world if we exhaust every means of coming to a favourable end of the misunderstanding which has unfortunately arisen. We have done this to the best of our ability. I think it would be very extraordinary if your Lordships were not able to detect some slight flaws here and there in a negotiation of extraordinary difficulty, and particularly when a portion of that negotiation was conducted by means of the telegraph, which is one of the most imperfect agencies for negotiation that could be devised. The noble Earl has referred to some contrivance upon which he says Mr. Gladstone is engaged—but the description of which I cannot repeat—for the purpose of appearing to do one thing, but in reality doing another. I can only say with regard to this, that I am perfectly unaware of any facts which in any way agree with the noble Earl's description, and I should like to know the authority on which the noble Earl makes the accusation. Yesterday we were reproached for going so far as to state what the present position of affairs is; but I did go so far as to state some facts, and I think that I then showed that with regard to the Supplemental Article we were ready to adopt a course which would be attended with no difficulty on America doing that which was equivalent to a withdrawal of the Indirect Claims, and that the only difficulty which now exists is with regard to the use of words re-

lating to the action of both countries for the future. Some of your Lordships may, perhaps, be of opinion that what the Americans engaged provisionally to do would not be sufficient for the object we have in view. Now, it appears to me that it would be perfectly sufficient—and I will tell your Lordships why—we have both interests in common—we are both commercial and maritime nations—it is only the mode of expression that they object to in the Supplemental Article. They think that our proposals are too limited. This engagement, if made, would be communicated to the Arbitrators by both parties to the negotiations either by a joint Note or identic Notes, before or at the time of their meeting to receive the written or printed arguments, or summary of arguments, under Article 5 of the Treaty, and to proceed with the business of the Arbitration. The written or printed argument of each party to be then delivered is to show the points, and to refer to the evidence on which each Government relies. Now, the United States could not, without a direct breach of the agreement not to make any claim in respect of these Indirect Losses before the Tribunal of Arbitration, have relied upon any point, or referred to any evidence, in respect of such Indirect Losses, in their written or printed argument delivered under this Article of the Treaty. Under Article 2 the Arbitrators are to “examine and decide all questions that shall be laid before them” on the parts of the Governments respectively; and your Lordships are aware that under Article 6 they are to be governed by certain rules “in deciding the matters submitted to them.” When, before the preliminary proceedings are closed, or the arguments under Article 5 delivered, they are informed by an identic Note from both Governments that the United States “will make no claim before them in respect of the Indirect Losses” mentioned in the Supplemental Article, they will have distinct notice that no question in respect of those losses is “laid before them” or “submitted to them” for their decision, by either Government. It appears to me, therefore, perfectly unreasonable and extravagant to say that the Arbitrators, because these Claims have been advanced in the Case and Counter-Case of the United States, will be bound or entitled to treat them as

among the questions laid before them on the “part of the Government of the United States,” after it has been formally notified to them by the United States themselves that they have agreed “not to make” and “will not make” them. The very suggestion of such an equivocation upon these words would deprive them of all practical meaning whatever, and would make the agreement for the future “in consideration whereof” the President agrees to “make no claim,” &c., wholly illusory and gratuitous. The words “he will make no claim in respect of” Indirect “Losses as aforesaid” as much preclude a claim to have such Indirect Losses taken into account, in arriving at a lump sum to be awarded by the Arbitrators, as they would preclude a claim for a separate award by them on that account. Indeed, no such separate award by the Arbitrators is possible under the 7th Article of the Treaty. The waiver, therefore, can only be of any claim to have these Indirect Losses taken into account in awarding a sum in gross. My Lords, I am no lawyer; but it appears to me to be perfectly plain that if in a private arbitration the parties have sent in claims in writing, and afterwards, before or during the arguments, agree that one of those claims “shall not be made” by the party who had previously made it, and jointly inform the arbitrator of that agreement, the arbitrator would very grossly miscarry in his duty if he did not treat that claim as if it had never been made. I think that this is a perfectly simple statement of the force of the Supplemental Article, and that Her Majesty’s Government have been well advised that it is perfectly sufficient for the purpose we have in view.

And now I must say a word or two respecting the course which the noble Earl has adopted in proposing this Resolution. If the noble Earl the late Secretary for Foreign Affairs (the Earl of Derby), who was so full of friendly feeling towards the United States, and who had endeavoured by Arbitration to come to some settlement with them, had brought forward this Motion, there might not have been so much objection to it as there is now that it is brought forward by my noble Friend, for I apprehend that he would not deny that if there is one man in public life whom the Americans look upon almost as entertaining

an almost personal enmity it is the noble Earl himself. Not that I think they are justified in holding this opinion, for I know from personal association that during the anxious time of the Civil War my noble Friend did his best in a friendly way to maintain our neutrality in the fairest manner. That, however, is not the opinion of the people of the United States, and I do not think that some recent speeches—including that which he has delivered to-night—are calculated to convey to the American people the impression that his Motion is a mere assertion of our national rights, and not something like a triumphant defiance to a great and kindred nation. I think this Vote of Censure is at the present moment—so critical in respect to the Treaty—perfectly uncalled for; and after the declaration which I made as recently as last evening, it will throw an immense responsibility on this House. The adoption of the Motion by your Lordships will destroy all chance of maintaining the Treaty, and if the Treaty fails it will certainly envenom the failure. It would be felt on both sides that an unfortunate misunderstanding had arisen between the two nations, but this is far preferable to causing in the United States a feeling of enmity and hostility towards England. If your Lordships adopt this Motion by the enormous majority which you can command, you will be insisting that the President of the United States should do that particular thing which the head of the Conservative party, at his recent visit to Manchester, stated that it was impossible for him to do. And, my Lords, when I refer to the declaration of Mr. Disraeli, I am bound to say that, although he has been watching Mr. Gladstone all this Session like a cat, he has observed a statesmanlike reticence on this subject, and seems fully to understand the importance of the relations between these two great countries. Nevertheless, this great statesman tells you that it is impossible for the President of the United States to do that which you are demanding. If, my Lords, you insist on carrying this Motion you will be taking a grave responsibility upon yourselves. My Lords, you will be going further even than that—you will be arrogating to yourselves the power which the Senate alone constitutionally possesses, and making yourselves a party to what the Americans

Earl Granville

call the treaty-making functions of the State. I trust your Lordships will not be carried away by clap-trap about “pluck.” I have never seen any real courage, sitting quietly at home, in using language which might involve this country in the calamities of war. The best policy for this country is to remain as firm and as calm as possible—not to give up one jot of that which belongs to the dignity and honour of the country; and, on the other hand, to avoid as much as you can, whether as a Government or as a legislative body, irritating expressions and irritating Resolutions.

EARL GREY: My Lords, my noble Friend the Foreign Secretary has appealed to your Lordships not to adopt the Resolution of the noble Earl (Earl Russell) which he terms a Vote of Censure—on the ground of the immense responsibility your Lordships would take upon yourselves if, in consequence, the Treaty should drop, and the feeling in the United States become more embittered against us; and he warned your Lordships not to arrogate to yourselves the treaty-making powers which the United States’ Senate possesses by the American Constitution. My Lords, in regard to the power possessed by the Constitution by either House of Parliament in this respect, I think no point can be more completely settled by precedent and long practice than this—that it is perfectly competent to either House, when there is a fear that an indiscreet use may be made of the power of the Crown, to interpose its advice. I agree that that power is not to be lightly used. I have no desire to concur in any Motion which shall have even the appearance of hostility to the Government. But let your Lordships consider what is the situation in which we are actually placed. Your Lordships will remember that for some five or six months the question has been before the world whether this country shall allow to be submitted to the Arbitrators at Geneva a claim involving very many millions of money for what have been termed the Indirect Claims. The very first moment it was known that these Claims were brought forward they were unanimously repudiated by this country. My noble Friend who has just sat down (Earl Granville) took up no small part of his speech in proving that these Claims were entirely unfounded. I agree with him; I think the arguments

irresistible. Under the Treaty the United States have no just right to put forward these Claims. But the more my noble Friend proves this, the more completely he shows that the Commissioners did not neglect their duty—that the Treaty was properly framed, and was not intended to give the Americans any right to put forward these preposterous Claims against us—the more completely he also proves this second proposition, that because these Claims are unjust—as my noble Friend states them to be—it is the duty of the Government, and it is the duty of Parliament, to take care that these Claims are not brought forward against us. When these Claims were brought forward we were told by Her Majesty's Government that they were not admitted to fall within the scope of the Treaty. We subsequently learnt that the Americans adhered to a contrary view of the case. From February up to this time negotiations have been going on which have not yet come to a conclusion, as to whether these Claims are to be considered by the Arbitrators at Geneva or not. Time is going on, and we are now within a very few days of that date when, unless some decisive step is taken by Her Majesty's Government, we shall be concluded to have admitted these Claims by default, and the whole Case will be before the Arbitrators. That being the case, is it unreasonable—is it unnatural that this House of Parliament should ask Her Majesty's Government for some declaration of their intentions which will re-assure us—which will convince us that we are not really to have these Claims brought against us, and an award given against us by the Arbitrators in respect of them? I assure my noble Friend I have no wish to vote for this Resolution, even at this late moment; and I think my noble Friend (Earl Russell) would do quite right to withdraw the Motion, if Her Majesty's Government on their part would give us a clear and distinct assurance that we might trust to them that they would decline proceeding any further in the arbitration if the Indirect Claims were not entirely withdrawn from the cognizance of the Arbitrators. But is that the case? As the matter now stands, will any man who will take the trouble of carefully considering it, venture to affirm that these Claims are withdrawn? The Americans have steadily adhered to their interpre-

tation from the first. We now have the Supplemental Article before us; and I ask whether, among those who have considered its words, there is not an almost unanimous concurrence of opinion that this Article, as it stands, does not contain anything which will prevent the Arbitrators from taking these Claims into consideration in their award? We want security not merely against some preposterous award of £200,000,000—we want more than that—we ought to be sure that the Arbitrators in awarding, perhaps, a lump sum against us, may not say—"Here are these Indirect Claims; we do not think they warrant so large a claim as the Americans put forward, but there is a great deal in them, and the British Government have not on their side offered any argument whatever against them." I cannot approve that line of conduct; but the fact remains—there are the Claims, without any answer to them, before the Arbitrators, and, as a consequence, it is in their power to say—"In consideration of these Claims, though we won't allow them as a whole, we will increase considerably the lump sum which we otherwise award under the terms of the Treaty." On a rough calculation, it is quite possible they might double the award in consideration of these Indirect Claims, and I am at a loss to discover any words to prevent their doing so. But, my Lords, I must go further than that. If Her Majesty's Government and the Government of America are really agreed that these Claims are to be effectively and entirely taken out of the cognizance of the Arbitrators, what is to prevent them saying so—saying that these Claims are not to be considered by the Arbitrators at all in deciding what may be due from Great Britain to the United States? If you intend to act upon that policy, what is the object of concealing it? When we find that a simple declaration of that kind would at once remove all difficulty, and that declaration is not made, it seems to me that that circumstance affords ground for grave doubt. My noble Friend (Earl Russell) on introducing the Motion referred to the remarkable correspondence between Mr. Secretary Fish and General Schenck, which has appeared in the newspapers. Throughout the whole of that correspondence there appears to be the most positive determination on the part of the American Go-

Is it a matter of indifference to the American Government how they should withdraw Claims which they have made in the face of the whole country? Is it a matter of indifference whether they withdraw these Claims directly, or whether some means cannot be found by which their submission to arbitration may be avoided? If the noble Earl is of that opinion he differs from the Leader of the Conservative party, who, as my noble Friend behind me has already observed, said at Manchester it was impossible that the American Government should in direct terms withdraw these Claims. The meaning of this Resolution, therefore, can be nothing but a determination that the Treaty shall fall to the ground. If it were intended as a party attack against the Government it would be comprehensible enough; but when the noble Earl says that the matter is too serious to be treated in that way, I am surprised that he should think of supporting the Resolution. I am not so much surprised at the course adopted by my noble Friend who brought this Motion forward (Earl Russell). He is perfectly consistent, for he never has been in favour of arbitration on this subject; and when the subject of arbitration was mentioned by Mr. Seward, my noble Friend replied that it was open to great objection, and would probably lead to considerable embarrassment. My noble Friend, in desiring that this Treaty should not continue, is, therefore, perfectly consistent; but I beg to remind the noble Earl opposite (the Earl of Derby) that he was the first to make a proposal of the kind embodied in this Treaty. I fairly admit that when I saw the noble Earl had made that concession to the United States, I doubted whether he had acted wisely; but I never felt any doubt about this—that the proposal having been made, this country would have to consent in some form or another to go to arbitration. I will go further, and say that I think the noble Earl was justified by the feeling of the country in the step which he took. Now, the noble Earl, in common with many others, has found fault with the Government for the misunderstanding which has arisen as to the meaning of the Treaty. He says that no one on the other side of the water could have two opinions on the matter. Last year, at all events, the noble Earl was of a different opinion.

The Earl of Kimberley

We may have been blind not to have foreseen this misunderstanding, but we have, at all events, the satisfaction of knowing that the noble Earl did not see one inch further than we did. Here is what he said about this time last year—

“The only concession of which I can see any trace upon the American side is the withdrawal of that utterly preposterous demand that we should be held responsible for the premature recognition of the South as a belligerent Power, in company with that equally wild imagination, which I believe never extended beyond the minds of two or three speakers in Congress, of making us liable for all the constructive damage to trade and navigation which may be proved or supposed to have arisen from our attitude during the War. It is not conceivable that pretensions of that nature would have been maintained for a moment, and I must be excused if I decline to treat the abandonment of them as a serious concession.”—[3 *Hansard*, covi., 1864.]

That does not, of course, excuse us in the smallest degree; but it might make the noble Earl more lenient in those censures which he has bestowed upon us with such lavish hand. Her Majesty's Government have laid upon the Table Papers which, in their view, contain the arguments which sustain their interpretation of the Treaty. We have always stood upon the meaning of the Treaty, and no other understanding has been either come to or attempted. The noble Earl (Earl Grey) seemed to think that we had some means by which we might satisfy the House as to the Motion which is now before us. He said that, if he could clearly understand that the Arbitrators were not to give any award upon the Indirect Claims, and were not to consider those Claims when giving their award upon the Direct Claims, he would be satisfied and would ask the House not to divide upon the Motion of the noble Earl. We are very much of the opinion of the noble Earl; but I can scarcely go with him to the full length of what he desires in reference to the matter. The Resolution calls upon the House to say that there is only one satisfactory mode of settling this question—that the Indirect Claims must be withdrawn *eo nomine*, and that no other arrangement must be permitted. To that Her Majesty's Government object. It is their position as much as that of any of your Lordships, that these Indirect Claims must not be submitted to arbitration; but we do not think it right that we should be bound by a Resolution of that kind. Her Majesty's Go-

vernment feel the importance of bringing this business to a satisfactory and friendly close, and I ask your Lordships whether, after all that has taken place, it would be wise to lose any shred of a chance of attaining the object at which we aim. Considering the friendly temper which the American people have shown in the whole of this business—remembering how they have shown themselves prepared to take a reasonable view of this matter—it would be an undoubted misfortune if while there is the slightest chance of bringing them to a successful issue, negotiations which have been commenced with the view of bringing about friendly relations between two great nations should be allowed to fail.

THE MARQUESS OF SALISBURY: My Lords, in commencing the few observations which I shall have to address to your Lordships, it is my first pleasing duty to congratulate the noble Earl who has just sat down upon the restoration to him of the confidence of the noble Earl the Leader of the party among whom he sits. It has been a painful circumstance to us on this side, who sympathize with the difficulties of noble Lords opposite, that during all the discussions and interrogations that have taken place on this subject, the noble Earl the Secretary of State for Foreign Affairs would trust nobody but himself to say a word upon the subject. The noble Earl has, I am happy to say, recovered from that distrustful state of mind, and now consents to allow the Secretary for the Colonies to make an observation on the subject of the *Alabama* Claims. I trust that this happy change in his feelings will not be without result. I hope it may even extend—I hope it may lead him to take a more mild view of the necessities of his position, and that in some happy moment he may permit the noble Marquess the President of the Council to tell us something about the negotiations that have taken place. I feel that we owe every sympathy to the noble Earl (the Earl of Kimberley), for whose talents I have the greatest possible respect, for the silence that has been enforced upon him during discussions that must have been exceedingly interesting to him. The only possible consolation I can offer to him is that his Colleagues in the other House of Parliament have not fared any better, and that the Prime Minister and the Foreign

Secretary are equally jealous of the assistance of their subordinates or Colleagues—whichever you like to term them—in discussions upon this subject. But I should be sorry if any observation of mine were interpreted into throwing any special responsibility—or I might even say any responsibility at all—upon my noble Friend the Lord President or his Colleagues with respect to these negotiations. I was sorry to trace in the speech of the noble Earl the Foreign Secretary a tendency—skilfully veiled as only he could veil it—to throw upon the Commissioners the whole responsibility for these negotiations—a responsibility which I am bound to say the Prime Minister, in the other House, manfully assumed for the Government of which he is the head. I must say that I think the Commissioners have been very hardly used in reference to this matter. Against the selection of the Commissioners I have not a word to say. There are no doubt many qualities for which my noble Friend the Lord President of the Council and his Colleagues would be highly commendable in any diplomatic negotiations they might undertake. No doubt, Her Majesty's Government were bent, above all things, upon conciliating the American people, and in that point of view they could not have made a happier selection. But if I may be permitted a criticism upon the selection, I should say that whenever the Government feels a desire in the future to employ the diplomatic talents of these Commissioners, it should be in some country other than America. I do not at all impeach their discretion in selecting one of their own body as the head of this band of negotiators; but I think that, considering the special country to which they were about to send an embassy, they might have made a more judicious selection. If I had been permitted to advise them I should have suggested that the Chancellor of the Exchequer—or, still better, the First Commissioner of Works—would have been the most fitting person to have sent on this mission. I earnestly hope my noble Friend opposite will not think these observations are in any derogation of his own qualities; on the contrary, I rather think that in many points of view, as we hear that some people are too good for this world, he was too good for this negotiation. Having said that, I confess that I approach

the discussion of this subject without any very active prejudice in favour of this Treaty. I quite agree with the observations of the noble Earl (Earl Russell), that a Treaty once ratified by the Sovereign must receive the loyal co-operation of all Her Majesty's subjects, and that co-operation I am prepared to give as long as the Treaty is interpreted within its proper limits; but I do not see in this Treaty anything that is so valuable to be cherished that I would consent to part with one iota of the strict rights of the people of this country in order to maintain it. I confess that this feeling has grown upon me by what has happened since this question was discussed last year. Since last year we have had a publication of a very remarkable Canadian correspondence, in which we were informed that we were really paying for the Treaty. Summing up the balance sheet, it came to something like this—During the Civil War depredations were committed by the Southerners upon the Northerners, and by the Northerners upon the Canadians. By these depredations the people have suffered and somebody must pay. Who shall that be? Why—naturally the answer came—England must pay for both. The Southerners have committed depredations upon the Northerners—the former obtained assistance which we had no intention of giving, for they contrived to convey some ships out of our ports against our will; and now the Northerners have got the Southerners absolutely in their power, they decline to exact from them a single farthing; but both agree to say that as the Southerners contrived to steal a ship from the English, the English shall pay the whole damages of the Civil War. It is very like an arrangement between a creditor and his debtor that the latter should go scot free and his surety should bear the loss. But that is not all. The Northerners, in their turn, committed depredations on the Canadians; and one would have thought that here, at any rate, England would have been safe. Not a bit of it. Having had the privilege of paying for the damage which the Southern States inflicted upon the Northern, she is to have the further privilege of paying for the depredations committed by the Northerners upon the Canadians, and to guarantee the Canadian Railway in order to induce Canada

The Marquess of Salisbury

to give up her claims upon America in consequence of the Fenian raid. I confess that when my country is presented to the world as the general paymaster of all damages which anybody may commit on anybody else, I do not feel any enthusiasm for the Treaty by means of which this charge is made. I confess the difficulty we have in assenting to this Treaty; but I feel that there is another, and a far more serious danger, which arises out of the special circumstances of this case, and it is because of this danger that I am anxious to support the Motion of the noble Earl, which I regard as being specially fitted for the occasion, and worthy of our fullest sympathy. The Motion put into plain language expresses the opinion of the noble Earl that he will have plain English—that he objects to ambiguity and equivocation. It expresses an opinion that the plainest and least ambiguous words are always the best, and that he who wilfully employs a “less accurate” term when a more accurate one is available, is guilty of tampering with the purity of truth. But we must now withdraw any such opinion, for a learned Oxford Professor—a man of undoubted character and probity, a Professor of Jurisprudence at Oxford—himself one of these Commissioners—has recently told us that it is permissible for diplomatists sometimes to employ “less accurate” rather than “more accurate” language in drawing up treaties. The Commissioners, it must be admitted, have at least this merit, that they fully acted up to the doctrines professed by Mr. Bernard. This is a danger on which I venture to insist. It is in consequence of this doctrine and the danger it involves that I urge the House to approve the present Motion. Just consider the experience we have had of this “less accurate” language which Professor Bernard approves. It was employed with reference to Indirect Claims. Now, my noble Friend Lord Derby passed a judgment which I think was at once fair and judicial—like everything which proceeds from him—on the question whether the Protocol did or did not include Indirect Claims. His opinion was—and it seems to me that it will commend itself to most impartial readers of the document—that there was extreme ambiguity in the language used—that though one might well interpret the Protocol and

Treaty in favour of England, there was still extreme uncertainty in the language employed. The Foreign Secretary, on the other hand, maintained that it was as clear a document as could possibly be drawn up. But it seems to me that the document reads as though both parties were resolved to use words which should commit to nothing, but which would give them a loophole of retreat in the event of any objection being raised. The history of theology records many a *formula concordiae* which left the parties to a controversy more violently antagonistic than before. Now, there is a simple test to apply to this *formula concordiae*, as I venture to term it. I am told that the agreement was plain and clear, and that there was no ambiguity about it; but allow me to refer to the parallel case of the Fenian Claims. No doubt they stood on much the same footing as the *Alabama* Claims; but I ask whether anybody can say, after reading the Protocols of the Treaty, that the *Alabama* Claims were repudiated with the same clearness and distinctness as were applied to the Fenian Claims. Not a bit of it. Directly you come to the claims against England nothing can be more trenchant or clear or precise than the language employed. One extraordinary instance of the "less accurate" language of which Professor Bernard spoke is found in that part of the Treaty which refers to "claims generically called *Alabama* Claims growing out of" the depredations of certain vessels. Nobody defined what these vessels were—and, indeed, this extraordinary claim is absolutely unexampled in diplomacy. The phrase "claims generically called *Alabama* Claims" is not English, it is incapable of definition, and it is thoroughly characterized by that want of accuracy to which Professor Bernard referred. These "claims generically called *Alabama* Claims" were left to include the depredations of one, two, three, or any number of vessels you please. The British Commissioners, it appears, believed that only four vessels were included; but the Americans did not take so limited a view of the case; and the result of our ambiguous phraseology is that each party presses it to the utmost limits in their own interests. I believe the Americans found out 11 or 12 vessels instead of four. I must say that great credit is due to the ingenuity of the Americans in this mat-

ter, and for the elasticity which they have imparted to the word "generically," when we examine the grounds on which some of these vessels are included in the indictment against Great Britain. England is actually asked to pay for the depredations of one of these vessels, because it had contrived to land its cargo unknown to the authorities on the coast of some British island, and to sell the cargo to some of the inhabitants. Nor is that the only instance of this ambiguity. My noble Friend (the Earl of Derby) pointed out in the debate of last year, the fearful consequences that might accrue to England from the use of the strange phrase "due diligence." The phrase really placed in the hands of the Arbitrators, without any reservation or restriction, the absolute determination of the whole international law by which England should be guided. Anybody who refers to the American Case will see I am justified in making this remark, for the definition of "due diligence" on the part of the Americans actually amounts to this—that they ask for damages because the English Government did not condemn vessels on evidence which would not have been fit to produce to a jury. Their contention was that "due diligence" actually included the punishment and the confiscation of the property of subjects of this realm on evidence which could not be presented to a jury. I feel, my Lords, that all this ambiguity is of special importance to us when we consider the nature of the Treaty in which we are engaged. It is delicate ground to enter upon—I know it is a delicate matter to discuss the tribunal before which we are to go; but the policy of the Government is to be blamed for the fact that it is a delicate matter to discuss freely the character and the qualifications of the men to whom our fortunes are to be committed. But it is no slight matter. The liberal estimate has been formed across the Atlantic that we may be held liable to the extent of £200,000,000 or £300,000,000, while even Professor Bernard says that £5,000,000 or £6,000,000 may not impossibly be awarded against us. Well, the British taxpayer does not take in these large sums very readily; but if the matter assumes the form of a sixpenny income tax for one year he will perceive its importance. Somebody in the spring made some calculations as to the average for-

tunes of Members of this House. I do not know whether they are correct or not; but if they and the statement of Professor Bernard are correct, the sum of £250,000 will be levied on your Lordships' fortunes. We may, I think, be excused for feeling some anxiety under those circumstances; and now I ask who are the people who will have to decide this question? Happily, I know nothing of them, and therefore it is impossible for me to say anything against them; and I am delighted to be able to assume everything in their favour. We know, however, that the Governments of Italy, Switzerland, and Brazil are to appoint the Arbitrators, two of whom will practically decide this issue. Now, what do we know of those Governments? What do we know of the men at present composing them? What do we know of their motives, their habits, their juridical education? Still more, what do we know of the men they have selected? What we have done is this—You have asked people, of whom you know practically nothing, to select other people, of whom you know less, to decide whether you shall or shall not pay in the worst contingency £200,000,000, or in the best £6,000,000. Consider for a moment how among ourselves such matters are managed. To whom are private persons in this country accustomed to submit the decision of questions affecting our fortune and our future prosperity? To the Judges of England. We know what are our securities. Their learning, character, and uprightness are known to all—they are brought up in a system with which we are all acquainted—they decide questions in the full glare of that publicity which searches out the inmost recesses of the motives of public men—we know why it is they have been selected for the judicial Bench, and the confidence to be placed in their uprightness and integrity is our proudest boast. Such are our securities in our private affairs. But though in your individual capacity you would justly resist any proposal to subject yourself to any tribunal less respected and less upright, you allow foreign Governments to appoint foreign persons of whose antecedents, honesty, and juridical attainments you know absolutely nothing, to decide whether or not you should pay an enormous sum. There are commercial men who, if it were proposed that they should pay £10,000 as

The Marquess of Salisbury

their individual share of the indemnity on the determination of foreigners whose names they never heard of, and of whose qualifications they were absolutely ignorant, would resist such a proposal as the grossest outrage on the liberty of a British subject. If it is so bad to be placed at the discretion of such men on such a matter—if it is so bad to be placed at another's discretion under any circumstances—how does the matter stand when what you put before them is ambiguous and doubtful in the last degree? You are asking them to decide things which the most upright and most able Judges in the world would find it difficult to decide upon. They have to decide, in reference to the ships, whether due diligence includes the obligation of knowing that a man who buys a ship is brother-in-law of the manager of a firm which is supposed to be connected with the Confederate States. That is the question which you put before these men to decide; that is the issue on which you call upon them to say whether we ought to pay this large sum or not. Worse than that, is that the issue which you consent, under rules which will for all time bind this country, shall be decided by a tribunal from which you will be allowed no appeal. I feel that the danger of ambiguity, the danger of this "less accuracy" which Professor Bernard has impressed upon us, has been pressed upon our minds in a manner which will not suffer the most careless and the most ignorant to ignore it. It is our business to declare that this "less accuracy"—or, as I prefer to say, these equivocal phrases—shall disappear from our diplomacy for ever. We are told that the American Government cannot be asked to do plainly that which they are content to do in substance. Last year I said the United States was the spoilt child in the nursery of nations. I had no notion that noble Lords opposite would give such a confirmation to my observations, and that they would represent the Americans as children not only in the indulgence with which they are to be treated, but also in the irrationality with which they may be supposed to conduct their affairs. If they are really willing to withdraw these Claims, they are men of too much common sense to object to be asked to do so in direct words. That is the issue the noble Earl has placed before us to-night. We do not ask you to decide for or

against the Treaty; we ask you to put it aside from your minds. You have one thing to determine, and that is—whether the honour, interests, and dignity of England shall depend upon honest and straightforward language, or upon vague diplomatic “understandings.”

THE MARQUESS OF RIPON: My Lords, when I found last night that the noble Earl (Earl Russell) intended to propose to-night the Motion of which he had given Notice, I felt that he was taking upon himself a very grave responsibility indeed; but I did not anticipate that that responsibility would be so great as it appears to me now to be after the two last speeches which we have heard from noble Lords opposite. My noble Friend the Secretary for the Colonies has pointed out the support which the noble Earl the late Foreign Secretary (the Earl of Derby) has given to views which bear on some portion of this controversy with the Government of the United States. I should have thought one so cautious as the noble Earl opposite would have abstained from taking such a course—entertaining, as no doubt he does, a full sense of the responsibility which attaches to what he may say upon a question of this description. But the noble Earl was moderate indeed compared with the noble Marquess (the Marquess of Salisbury), who did not content himself with describing the language of this Treaty as so ambiguous that it was equally capable of either interpretation; but—to my great sorrow and surprise—he thought it consistent with his duty and with that which is due to the country in the position in which this matter now stands, to make an elaborate attack upon the Tribunal of Arbitration to whom under the Treaty this question is to be referred. I do think—and I say it with great regret—that my noble Friend has incurred a responsibility the weight of which it is difficult to estimate, when he permitted himself to be carried away by that zeal for criticizing his opponents for which we know him to be so formidable into forgetting that when he was endeavouring to strike at those who sit on this side he was seriously imperilling the interests of the country. From one point of view it is easy for my noble Friend to take the course he has taken this evening, because no one doubts he has always thought that it would be a good thing to get rid of this Treaty altogether.

That is a perfectly fair opinion to entertain; but if my noble Friend thought, as I doubt not he did think last year, that the constitution of this Tribunal was so bad that no man would trust it to decide upon any question affecting his private fortune, it was the duty of my noble Friend, and of those who agree with him in this and the other House of Parliament, to take that course which alone would be consistent with such an opinion, and to call upon Parliament to censure those who had concluded a Treaty open to criticism of that description. Yet even my noble Friend, with his opinion of this Treaty, will not deny it would have been one thing to have attempted to prevent the Treaty being ratified and a different thing now to destroy the Treaty if it can, consistently with the honour and interests of this country, be maintained. The speech of my noble Friend, going forth with the weight which attaches to his authority, is one which will throw upon him the greatest responsibility if the result of this debate should be that your Lordships adopt the Motion, and that it should, as I fear is too possible, bring these negotiations to an abrupt conclusion, and perhaps even put an end to the possibility of the friendly settlement of these differences. That is the main question which your Lordships have to consider to-night. It is whether it is right, patriotic, and wise for you to interpose at this moment in these critical negotiations, and attempt to tie down the Government who are engaged in them by a Resolution such as this, the effect of which your Lordships have been reminded more than once from this side of the House—and it is a significant fact that no notice has been taken of it by those who have spoken from the other—it has been declared by Mr. Disraeli, is to ask the American Government to take a course which it is impossible for them to adopt. I turn now to the observations with which my noble Friend commenced his speech, when he began by congratulating my noble Friend the Secretary for the Colonies upon being emancipated from silence, and by expressing a hope that I also should be permitted to take part in this debate. My Lords, if I have abstained from taking part in former discussions upon this subject it has been because I have been determined, as I am determined

now, that not a word shall fall from me in respect of these transactions which can in the slightest degree impair the possibility of a friendly settlement of the differences between the two countries. If I had consulted my own feelings I should long ago have desired to give the fullest explanation of all these matters to your Lordships. But there are duties far higher than the defence of any individual, or even than the defence of the Colleagues with whom I had the honour of being associated with at Washington. Therefore if I have not taken part in these debates, it has not been owing to the iron rule of the noble Earl the Foreign Secretary—a rule which, if it be iron, is exercised in the gentlest manner—but to the conviction that the course I have followed was the course best calculated to promote the public interests. I must say, on behalf of my noble Friend the Foreign Secretary, to whose speech I listened with the utmost attention, that sensitive as I should have been to any imputation of blame to the Commission, I drew from the speech a conclusion totally different from that of the noble Marquess, who said that my noble Friend endeavoured, in a covert and indirect manner, to cast the blame of these negotiations upon the Commission. With respect to the Treaty, opinions of a singularly contradictory character have been expressed by those who have preceded me in the debate. The noble Earl who opened the debate (Earl Russell) told us distinctly that in his opinion the Indirect Claims did not come under the Treaty. The noble Earl on the cross-benches who followed him was of the same opinion. My noble Friend the late Foreign Secretary (the Earl of Derby) made a statement of a different character; but I think the weight of that statement must be considerably modified by the recollection of the language he employed on this subject last year, which has been referred to by my noble Friend the Secretary for the Colonies (the Earl of Kimberley). In short, the views taken by most of your Lordships with regard to the admissibility of these Claims have been in accordance with those contended for by the Government—that they cannot be admitted under the Treaty. The noble Earl who made this Motion (Earl Russell) told you there was scarcely anybody in this country or elsewhere who did not think the language

of the Treaty so vague that it was impossible to say whether the Claims were admissible under it or not. But certainly that was not the opinion of the noble Earl when he, last year, took the unusual and extraordinary course of interposing himself between the signature of the Treaty and its ratification by the Crown. In the whole of the speech which he then made the noble Earl never intimated the slightest indication of an opinion that there was any doubt on the point which he says now is so very ambiguous. He was distinctly told by the Foreign Secretary what were the views of the Government on the question, and in his reply he never made any objection to the statement so made. But it is not only the opinions expressed in this country, but the opinions expressed in America, to which I would ask your Lordships' attention for a moment. My noble Friend the Foreign Secretary has alluded to some of the most distinguished men in the United States who take the view of this Treaty which the Government have consistently maintained. I will not further refer to that subject except to point out that one gentleman, Mr. Reverdy Johnson, who is well acquainted with this whole subject, who has had a large part in the transactions, and knows the matter from the top to the bottom, has given two opinions, but both to the same effect, that these Indirect Claims are not within the Treaty. The one opinion was given last year in a pamphlet, and the other this year in a letter to a Member of the House of Representatives, in which he repeats very firmly the strong opinion he had previously expressed. My Lords, there seems to have got abroad an opinion that Her Majesty's Commissioners at Washington last year relied on what has been described as a secret understanding subsisting between them and the American Commissioners that these Indirect Claims would not be brought forward. I should entirely agree with an opinion which I believe was expressed a day or two ago by a noble and learned Lord who generally sits behind me (Lord Westbury), that if Her Majesty's Commissioners had been induced by any such understanding to employ language which in their judgment admitted these Claims, they would be liable to just and severe blame. But I distinctly deny on the part of those who were engaged in these

■ *The Marquess of Ripon*

negotiations that that was the case. We may have failed, or we may have succeeded in employing language which excludes these Claims. I will not detain your Lordships now by entering into any elaborate argument on that subject, so fully dealt with in the Correspondence on the Table; but whether we failed or whether we succeeded, we were not induced to employ language which we considered would admit those Claims by any consideration of that kind, which in this Correspondence is described as a "waiver." For what occurred? On the 8th of March, as referred to in the Protocol, these Claims were mentioned by the United States Commissioners—mentioned in a manner which in substance is described in that Protocol on your Lordships' Table; and throughout the course of the subsequent negotiations these Claims were not again brought forward. We took note, and we recorded the waiver, as we held it to be, of these Claims, on the 8th of March; but we did consider it to be our duty, and we endeavoured to fulfil it to the best of our ability, to see that the language of the Treaty was not such as to include them. The noble Marquess who has just sat down (the Marquess of Salisbury) alluded to the different manner in which these Claims were dealt with in the Protocol from those which are called the Fenian Claims. No doubt the Protocol did not deal with the two classes of Claims in the same way. Why? Because the Indirect Claims were mentioned on the first day we discussed the Alabama Claims, and then disappeared from the negotiations, and were not again brought forward; while the Fenian Claims were pressed by us on various occasions on the American Commissioners. They were brought forward on three separate occasions at least—there may have been more than three occasions—and it was only at last, after discussion and frequent reference home upon the subject, that we were authorized by the Government to say that we should not press the inclusion of those Claims in the Treaty. Therefore, this argument of the noble Marquess rather turns the other way, as we persistently pressed the Fenian Claims up to a certain point when we were authorized to withdraw them; while the Indirect Claims were mentioned only once. The noble Marquess has

spoken disparagingly of the language in which these Claims are defined as "Claims generically known as the Alabama Claims." The noble Marquess said that was phraseology wholly unknown to diplomacy. Now, I can, at all events, say that the phrase "Alabama Claims" had obtained, long before we ever thought of going to Washington, a technical meaning, and those Claims were under that designation included in the Treaty signed by the noble Earl (the Earl of Derby) opposite and also in that negotiated by Lord Clarendon. Whether, therefore, the phrase was known to diplomacy or not, the Alabama Claims were perfectly well known throughout the whole of the Correspondence. The noble Marquess also spoke of the phrase "want of due diligence." Now, that is a point that may very well be urged if these negotiations should break down, and it should be your Lordships' pleasure to censure those who have been connected with them; but it does not seem either wise or prudent, in the present position of matters, to engage in that discussion at present. I now turn, my Lords, to that which is the question before you to-night. I trust I have made it clear to your Lordships that Her Majesty's Commissioners and Her Majesty's Government have not relied in this matter upon secret understandings, or any understandings at all, and that we have succeeded in framing a Treaty which, in the opinion of the noble Earl who introduced this discussion—in the opinion, also, of the noble Earl (Earl Grey) on the cross-benches, and of many eminent jurists and international lawyers both in this country and in America—exclude these Claims. But whether that be so or not, it is not true to assert or to suppose that we ever thought it would be safe or justifiable to rest upon secret understandings in a matter where it was unquestionably our duty to see that the Claims we did not intend to be included in the Treaty should to the best of our judgment be excluded from it. The noble Marquess who has just sat down has stated that the present Motion does nothing but state in plain and simple language that which this country requires, and that nothing is safer than to express one's meaning in plain and unequivocal language. Well, Her Majesty's Government have repeated, over and over again,

that it is not their intention that these Indirect Claims should be submitted to arbitration. But it is not always the best way to obtain what you desire from anyone with whom you may have some dispute to ask him in a point-blank or harsh way to retire from the position he has assumed, and not to endeavour to find some mode by which the views of both parties may be reconciled in a mode consistent with the honour and position of each. I do not think it inconsistent with the honour of an individual or of a country, if either has taken up an erroneous position, to retire from it; but in a private or public transaction it would be unwise, if you desired to arrive at a friendly solution, not to make the least possible claim upon the forbearance of those you have to deal with. If your Lordships have no confidence in the Government or in the declarations they have made, then you would do well not, indeed, to pass the proposed Resolution, but to adopt an honest Vote of Want of Confidence; but if you do not wish to remove from the conduct of the negotiations at the most critical moment in their whole history those charged with the grave responsibility of carrying them on, then do not, by passing this Resolution, tie their hands in a manner which would relieve them from responsibility in respect to the negotiations, and thereby throw the responsibility which ought to belong to the Executive Government on your Lordships' House.

THE EARL OF MALMESBURY: My Lords, I had not intended to address your Lordships on this occasion; but I do so for two reasons. First, because I am greatly disappointed at the speech just delivered by the noble Marquess, from whom the House and the country expected with great anxiety some explanation of the extraordinary management that has characterised this transaction; and, secondly, I have another reason of a personal character for trespassing on the House, as I should be sorry to be supposed to have made on a former occasion any observations derogatory to the noble Marquess's qualifications for the position of Commissioner which he had occupied, which I am not equally prepared to repeat in the noble Marquess's presence. What I meant to say, when the appointment of the Commission was paraded with so much pomp and circumstance by the Government,

The Marquess of Ripon

was that the noble Marquess was not the person I should have thought best acquainted with that line of diplomacy for which he was selected, or with the subjects he would be called upon to treat, but that there were many men in this country highly distinguished in diplomacy on whom the weight of conducting the negotiations might more fitly have fallen. When I made that remark on a former occasion, the noble Earl the Secretary for Foreign Affairs reminded me that Sir Edward Thornton was one of the Commissioners; and now I would ask whether a rumour which I have heard on good authority is correct. Sir Edward Thornton was subordinate to the Commissioners sent out; but it is said that Sir Edward Thornton pointed out to the Government the *laches* in the wording which made the Treaty ambiguous.

EARL GRANVILLE: I should like to know on what authority the noble Earl speaks of a rumour which is entirely without foundation. When such a statement is made the noble Earl ought to be prepared to give his authority.

THE EARL OF MALMESBURY: I do not think it necessary to name the person from whom I received the information. It is a general rumour. It is sufficient that the noble Earl says that the rumour is incorrect. The noble Marquess who has recently addressed the House (the Marquess of Ripon) spoke of the Treaty and the mode of its management. I have felt great disappointment as to the information the noble Marquess has given us. He has argued the question in just the same manner as those who preceded him. But he never informed the House of the reason of the extraordinary difference of opinion between the two Governments, and of the confusion arising out of the terms of the Treaty. Nothing can be more at variance than the understanding of the two nations with respect to the meaning of the Treaty. Sir Stafford Northcote has at a public meeting stated that the understanding between the English and American Commissioners was that the Indirect Claims would not be put forward; but now the noble Marquess who was at the head of the English Commission shrank from that point—and yet that is the very point on which the whole nation was waiting to hear something from him. We want to know what the American Commissioners

said to the noble Marquess and his brother Commissioners to induce them to believe that they would not go forward with the Indirect Claims. Now, I ask how would the noble Marquess or any of your Lordships proceed in making a covenant with one of your tenants? You would begin by laying down what is not to be done—such as taking the game and cross-cropping the land, and then you proceed with the covenants. It is the same with diplomatic agreements, and such is the way in which anyone of our experienced diplomatists would have managed the matter. I feel certain the noble Earl's father (the late Earl Granville) would have proceeded in that way. It is impossible to suppose that the American Government ever believed we should pay the Indirect Claims, and the best argument against those Claims is the absurdity of them. Would Mr. Sumner or President Grant have allowed such Claims to be made upon America by any country in the world? It is impossible to suppose it. Would they have run even the slightest risk of £200,000,000 or £300,000,000 being imposed as a fine on them—thereby almost destroying their existence as an independent nation for a quarter of a century? It is so ridiculous to imagine that any free, independent, and powerful country should submit to such a peril that we cannot believe the Americans ever from the first intended that these Indirect Claims should be included. I say this with sorrow, because it shows the animus of the American Government—I hope not of the American people. If they believed the Claim was an honest one, they would have expected a decision in their favour, and they must have known that such a decision would be almost the annihilation of this country. It shows, therefore, the spirit of hostility with which they met the advances of this country. Such being their animus, your Lordships are bound to step in—not in the way of a Vote of Censure on the Government, but in the way of assisting the Government—by showing the American Government the unanimous feeling of this country, represented by both Houses of Parliament, as to our determination not to pay or even to consider these outrageous Claims.

LORD WESTBURY: My Lords, I never rose with less hope of effecting any good by the observations I may

make; but still I beg your Lordships to weigh the gravity of the Motion now under your consideration. When Notice of this Motion was originally given, no one foresaw the introduction into the negotiations of what has been called the Supplemental Article. I believe that at the time it was a valuable mode of strengthening the hands of the Government; the Notice has been postponed from time to time, and in the meantime a new negotiation has been opened with the United States, for the purpose of adding an Article to the original Treaty, for the purpose of enabling the United States to withdraw the Indirect Claims that have been the subject of so much controversy and, on the part of this country, of so much just indignation. We are told that this negotiation has proceeded thus far—it is agreed between the two Governments that the President and Senate of the United States shall withdraw, and they are in effect bound to withdraw, the Claims they have made; but inasmuch as the Supplemental Article took the form of an additional Treaty, to gratify the people of the United States, a new consideration was raised for that additional Article—namely, a rule which shall prevail in future on the subject of Indirect Losses. We are told that the form of that rule—the words and expression of it—which I may remark are more a matter of American than of English concern—have not yet been finally agreed on, and that this question only suspends the additional Article, and prevents its coming into operation. [EARL GRANVILLE: Hear!] Now, my Lords, I am not here to modify anything that I have found myself obliged to say on former occasions, but it is unnecessary to repeat it now. If we have to go into the conduct of the parties who prepared the original Treaty and the conduct of the Government since, there might be much to say probably of a personal and stinging character, but certainly not of a profitable nature. I abstain, therefore, from that. But I wish your Lordships to feel that if you accept the Resolution its immediate operation must be to destroy the pending negotiations on the subject of the additional Article. Is it wise to do that? You have been contending with the United States that the Claims shall be withdrawn, and there is an Article drawn up for that purpose—no doubt one not

framed so as to please me, or, what is of more consequence, the majority of the people. That Article, however, in its language, imperfect and insufficient as it is, is of English manufacture, and I do not think, therefore, it is just or honourable that we should quarrel with the United States for being willing to adopt the language that we have presented to them. I do not wonder that there may have been a difficulty on the part of the Government in the selection of their language. We have heard to-night one of the Commissioners who negotiated the Treaty asserting one thing—another Commissioner, Sir Stafford Northcote, has been asserting another—and a third Commissioner, a Professor at Oxford, has been reading a lecture on the use of language, particularly diplomatic language, which I think we should all repudiate, leaving it as a peculiarity of the learned Oxford Professor. I never remember our being placed in such a difficulty—but I repeat that if you destroy the Article now in progress of negotiation, this Resolution, in its destructive effects, will not rest there; it will destroy the original Treaty. Because the effect of it will be to impose on the United States a condition which it is impossible for them to comply with, and suspend the proceedings indefinitely until that impossible condition is fulfilled. Now, is this a time when, consistently with honour, reason, and profit, we can smash the original Treaty? I have no love for the introduction of un-called-for novelties. I have no love for the authority on which the Treaty was founded. I have no love for the manner of proceeding which is pointed out in it. Remember, however, that it proceeded from yourselves. It is a twelvemonth since you received it. You received it with general acclamations. It has been hailed as inaugurating a new era in jurisprudence and in the mode of disposing of the quarrels of nations. Do you think you can now turn round and say you have found out that the Treaty is unwise, and that you will adopt a by-mode of annulling it, and escaping the fulfilment of our obligations? I, for one, am not prepared to go so far. A time may come when we shall have to criticize the making of the Treaty; but it is at present, and has been for 12 months, an accomplished fact between the two nations, and I think it is a foundation

Lord Westbury

on which we may build, so as to conduct what remains to be done to a useful and profitable issue. I think, therefore, the time has not yet come when we are bound to repudiate, or are justified in repudiating, the Treaty altogether. That, however, will be the result of the Resolution. Now, go for a moment into the history of the past, in order that we may do justice both to the English and American Governments, and may see that the nature of things has in a great measure led to the difficult position in which we now are, and that there has been, and I believe exists, an honest attempt on the part of both Governments to relieve themselves from that difficulty. We accepted the Treaty. We were told by the Government that the Indirect Claims were not included in the Treaty as a subject of reference to the Arbitrators. In one sense we were told that they were, because we were assured that in consideration of our being parties to the Treaty the American Government had agreed to waive or abandon the Indirect Claims. That was the position in which things stood last year, and we remained under the conviction, until that conviction was rudely shaken, that these preposterous Claims would not be pressed. When they were put forward in the American Case, our Government remonstrated against such a proceeding, and it was, I believe, desirable to give them the assurance at that time, which your Lordships readily gave, that nothing would induce the people of this country to consent to the prosecution of the Arbitration until the power of having the Indirect Claims submitted to the consideration of the Arbitrators was distinctly and entirely relinquished. We took that course not by way of impediment to the Government, but for the purpose of strengthening their hands. I think the Government negotiated with the United States honestly and fairly in reference to that point, and they were met by the American Government, who pointed out the construction which they put upon it, and who said that they were of opinion that under the terms of the Treaty the Indirect Claims might be made the subject of reference to the Arbitration. Some confirmation was given to that view of the case by an expression which was used by my noble and learned Friend opposite (Lord Cairns), in which,

undoubtedly, I never could concur. If it was now the time, or if your Lordships would have patience enough—which it would be unreasonable to expect—it would be easy, I think, to demonstrate that under the terms of the original Treaty the Indirect Claims never could be brought as a subject of reference to the Arbitrators. The American Government were called upon to concur in that view; but the President of the United States said he had no power to withdraw these Claims without the aid of the Senate. Further communication between our Government and the United States convinced our Government that it was impossible to obtain a complete and valid repudiation of these Claims except by an additional Article, binding the President and Senate to consent to their being withdrawn. Therefore it was that this Supplementary Article was framed with the view of at length putting an end to the difficulty. The manner in which it is sought to do this is—I do not know to whose ingenuity the proposal is due—that the United States appear to have been brought to consider whether such Claims as those set forth in their own Case might not be pressed against themselves at some future time in an inconvenient manner, and whether it would not be well that a new rule should be laid down with reference to such Claims which would preclude these being put forward hereafter. The mode of meeting the difficulty thus suggested is, no doubt, very ingenious. I do not quarrel with it; but I quarrel with the unfortunate manner in which the proposal has been carried into effect by our Government. The great difficulty in this part of the Case is, that if we complain of the insufficiency of the language of the Supplementary Article it will be open to the American Government to say—"Why, it is your own composition; it is the work of your own advisers. We have taken it as you presented it to us." Now, it costs some little labour and time to set out the meaning of this Article; but if your Lordships will follow me in the few observations with which I shall trouble you, you will find that the Article has reference to the statement with respect to the Indirect Claims contained in the Case of the American Government. After stating that the objections to the Indirect Claims were involved in the two propositions set forth by the English

Government—firstly, that they were not included in fact in the Treaty of Washington, and, secondly, that they should not be admitted in principle as "growing out of the acts" committed by particular vessels, the Article goes on to say—

"The Government of Her Britannic Majesty has also declared that the principle involved in the second of the contentions hereinbefore set forth will guide their conduct in future, and whereas the President of the United States, while adhering to his contention that the said Claims were included in the Treaty, adopts for the future the principle contained in the second of the said contentions so far as to declare that it will hereafter guide the conduct of the Government of the United States, and the two countries are therefore agreed in that respect. In consideration thereof the President of the United States, by and with the advice of the Senate thereof, consents that he will make no claim on the part of the United States in respect of indirect losses as aforesaid before the Tribunal of Arbitration at Geneva."

Now, I beg your Lordships to observe that this last sentence—which appears to have very little weight—derives great force if, in place of "in respect of indirect losses," we were to read these words—"the President makes no claim on the part of the United States in regard to indirect losses in the American Case laid before the Arbitrators." That gives to the mode of expression more point and meaning. But, unfortunately, even there there is a deficiency—because the effect of all this, even if it were passed into law in the most perfect manner, would simply be that the Arbitrators would be discharged from the duty of making any award in respect of the indirect losses contained in the Case, but that the Claims in respect of those losses would not be affected. The Arbitrators would be discharged, as I have said, from the duty of adjudicators; but instead of the indirect losses being treated as altogether abandoned, they might remain as a sore subject of controversy hereafter. Now, two or three words proceeding from an intelligent mind added to this clause would have closed the door against all future difficulty; whereas Her Majesty's Government, in closing the door against one difficulty, have opened the way for another. The Arbitrators, I admit, will be discharged from the duty of making the adjudication under the Article; but, unfortunately, this country will still remain exposed to the liability of ~~answer-~~

ing this demand at any future time in whatever different form it may be brought forward. Still I recognize in this Treaty so much good that I should be very sorry if this House should interfere so as to prevent its coming into force. It is probable that if the United States withdraw—as I have no doubt they will *bond fide* withdraw—these Claims, we shall never hear of them again, and that the danger which I have pointed out is, after all, but an imaginary danger. We must, however, take into account that the Government of the United States have their own peculiar difficulties to contend with, and, whilst condemning the course they have pursued, confess that we are ourselves by no means free from fault, and that the ambiguity of the language of the original Treaty was not their work alone. We must recollect that this was owing to our own incapacity; and, having regard to that consideration, I think we are likely to obtain from the United States as much as, under the circumstances, we can reasonably require; and I entreat of your Lordships not to destroy this prospect, but rather to give the Government what I think they are entitled to—some further scope and opportunity of completing these negotiations. Your Lordships have already received the declaration of the Government—made, I believe, in all sincerity—that the bringing forward of these Indirect Claims is what they will never assent to. In that I believe them thoroughly, and I should believe them if it were only out of the natural instinct of self-preservation, because they know, and it is unnecessary to repeat it, that if there were the smallest kind of a vestige of trembling or hesitation in their conduct, or if a notion were to be entertained in England that they meant to give way to any further demand of America, the existence of the Government as a Government would not continue for 24 hours. What, my Lords, will be the consequence of your adopting the Resolution proposed by the noble Earl? The result will be to shut up this Treaty? How will it be possible to get on? The Ministry did their utmost to get on, and they found it impossible to do so without adding a new Article to the Treaty. In fact, that which the Commission ought to have done at first by inserting a few words excluding those Indirect Claims, after

Lord Westbury

months of anxiety and labour they now propose to do by the substitution of this additional Treaty. My Lords, I am glad that we have arrived at something definite; for up to the present time we have had a series of understandings in which nothing has been understood—a series of explanations in which nothing has been explained. I welcome, therefore, any sign of certainty in our position. That position I have attempted to define. You have now, I think, a reasonable assurance that what ought to have been in the original Treaty is now effected by the Supplementary Article. Better late than never:—but now that it is to be added, and added in honesty, I think it would be unreasonable, I think it would be impolitic, I think it would be—I can hardly call it dishonourable, but, at all events, scarcely a creditable thing—to refuse to wait and see what is to be done by this Supplementary Article. If, however, your Lordships should take a different course you will do so with the full knowledge of a great responsibility, and that you will be putting off to an indefinite period of time a settlement of a question which, for the sake of the commercial interests of both countries, I believe it to be all-important to settle. I think the American Government will be then fully authorized in treating the violent irruption of this House as an unfortunate circumstance in the present position of the relations of both countries. I cannot, therefore, bring my mind to vote for this Motion. The Motion may, no doubt, in its strict sense be regarded as an innocent one, because it leaves the Government still at liberty to continue the negotiations; but the words are sure to be taken as implying more than they would usually imply, and I think, if this Motion is carried, that it will be impossible for Her Majesty's Government to conduct further proceedings in this matter with any chance of guiding them to a profitable conclusion. I therefore hope your Lordships will abstain from passing the Motion of the noble Earl. What you wanted to get, and what was properly required at the time the Notice was given, was a declaration by the Government that nothing should induce them to be forgetful of the honour and interest of this country, so far as to entertain these Indirect Claims. Of that you are now well assured, and there-

fore no necessity exists for the Motion, unless you are satisfied that the proceedings between this country and America are a sham, and that they are conducted by the Government in such a manner as to afford no reasonable chance of a prosperous and successful conclusion. If your Lordships pass this Motion, I believe it can have but one effect—namely, be productive of mischief to the real interests of the country, and of unnecessary embarrassment to Her Majesty's Government in the settlement of this question.

THE EARL OF ROSEBURY said, he must apologize to their Lordships for venturing to interpose between the House and the noble and learned Lord (Lord Cairns); but he was anxious to remind their Lordships how momentous in its consequences was the vote which they were called upon to give. The noble and learned Lord who had just spoken (Lord Westbury), in the course of those precious balms with which he was accustomed to break the head of Her Majesty's Government, while he was of opinion that the time might come when the Treaty itself and the conduct of the Government in the negotiations could be fully criticized, nevertheless expressed his opinion that their Lordships were bound on that occasion to support Her Majesty's Government. On the other hand, the noble Earl (Earl Russell) proposed a Resolution, by the acceptance of which their Lordships would not only pass a Vote of Censure on the Government, but, in point of fact, they, a legislative Body, would intervene between two high contracting parties in the course of negotiation, and would dictate in a most imperative manner the course each party should take. They would, in effect, say to Her Majesty's Government—"You are not to proceed to the Arbitration at Geneva under certain circumstances," and to the American Government—"We will not meet you there unless you take the particular course we point out." That was the position he desired to bring distinctly before their Lordships before they went to a division. Was that the way to treat a high-spirited nation? Let any one of their Lordships imagine himself under such circumstances in the place of an American citizen—and, to make the case more extreme, in the place of an American citizen who disapproved these Indirect

Claims, and of President Grant's administration. Would he not say—"I cannot approve the course our Government has taken; but if you ask me whether we will submit to the dictation of another Government—and not even to another Government, but to a single House of Legislature—if we are to have a pistol held at our head, and then ordered to give up these Claims—I say rather let us insist on every jot and tittle of the Claims rather than withdraw them." The dictation which this Resolution contained could only have the effect of depriving us of sympathy and assistance; for all Americans, whether they believed the Claims to be just or not, would feel themselves bound to uphold them if it was attempted to procure their withdrawal at the dictation of a foreign Power; and he trusted that under similar circumstances there was no Member of their Lordships' House sufficiently unpatriotic not to pursue the same course. Let him remind the House that in 1858 the Conspiracy for Murder Bill was brought forward by the English Government. Its provisions were not objected to, but it was thrown out by the mere rumour that it had been introduced at the suggestion of a foreign Power, and that it would be acceptable to the Emperor of the French; and yet it was now proposed that we should take a somewhat similar course, and attempt to dictate to another nation the course they should pursue: and he felt certain that it would produce a similar effect upon the Americans that the hint of French dictation then produced upon us. It would be remembered by many of their Lordships that the present Leader of the Conservative party, in reference to a measure under his charge, once said to the House of Commons—"First pass the Bill—then turn out the Ministry." That he firmly believed to be the feeling of Her Majesty's present Government. What they desired, he felt convinced, was that the Treaty should first be passed and then that the Government should take its chance. He did not admire the position of the noble Earl who had brought forward this Resolution with regard to this question. Considering that the acts of the *Alabama* and other vessels, out of which these Claims arose, took place while the noble Earl (Earl Russell) was Foreign Secretary, this Motion would have come with

a better grace from anyone rather than him. No one knew better than himself the difference in their relative positions. He well knew the humble position he occupied in their Lordships' House. He well knew that the noble Earl addressed them with all the weight of his great experience, all the lustre of his historic name, with all the prestige of a former Prime Minister. But, knowing all this, he could honestly say on this occasion, and as regards this debate, that he preferred his own insignificance to the eminence—the mischievous eminence of the noble Earl. It was easy enough to pass Votes of Censure. During the few years he had sat in that House, the annual Vote of Censure had come round as regularly as the hands of the clock. But it was not every day they had an opportunity of destroying a Treaty. They should make no allusions as to the course they were preparing to adopt. If they passed this Motion, they might, or might not, affect the position of the Ministry. That, he believed, the Ministry, in face of the greater danger, would be the first to consider of little consequence. But the Treaty could not exist another instant. They, by their votes, would have done that, of which it was easy, though painful, to see the beginning, but almost impossible to see the end. They would have stamped out the last vestige of a Treaty; they would have blistered instead of healing an open sore; they would have disturbed, perhaps permanently, the good relations between the two countries. He implored, then, each noble Lord, as he recorded his vote, to pause in face of the responsibility—the tremendous responsibility—which he was about to assume.

LORD CAIRNS: My Lords, I am sure there is not one of your Lordships who thinks any apology was due from the noble Earl who has just sat down (the Earl of Rosebery) for interposing in this debate. With much that he has said I cannot agree; but I am confident there is nothing which can add greater weight and acceptability to the debates in your Lordships' House than that we should have partaking in them from time to time Members who have the advantage of being younger than those who sit upon the front benches. The noble Earl will, however, excuse me for saying that I think he has somewhat misunderstood the situation of the case

The Earl of Rosebery

when he speaks of "dictation" on the part of your Lordships to the United States—when he assimilates the present question to a question with regard to the enactment of a municipal law in 1858—and, above all, when he speaks of the vote of your Lordships' House to-night as a vote which could possibly endanger the cordial relations of the two countries. My Lords, it is now about six months since the people of this country became thoroughly alive to the gravity of the question of these Indirect Claims, and we are now here discussing the manner in which, after this lapse of time, these Claims are to be dealt with. Up to the present time there has been great reticence—the Government admits it—very great reticence on the part of your Lordships. I think it can be easily explained. Declarations on the subject have from time to time been made by Members of the Government—statements were made at the commencement of the Session, and more than once since then, in answer to Questions put to the Government—I do not profess to have before me the words which have been used by Members of the Government; but I think I am right in saying that the impression which the declarations of the Government conveyed to the mind of the country was this—that the Government were prepared, in their negotiations with the United States, to maintain the position that the Indirect Claims must be withdrawn from the Arbitration at Geneva. As long as this state of things continued—as long as we were invited to rest on these assurances—as long as we were in ignorance of the process or the precise form the negotiations were taking—it was the constitutional duty of your Lordships' House to remain silent and to wait for the regular and constitutional occasion which would arise for pronouncing an opinion upon the result of the negotiations, as soon as that result was made known. But the position of things is now altogether changed. It is no longer a matter of obscurity with regard to these negotiations—but by a singular series of circumstances such as have probably never occurred before, we are now told that the negotiations upon a point which interests us most particularly have come to an end. We have had laid upon our Table a draft Supplementary Article which is to regulate the position of the

Arbitration at Geneva, and we were informed last night by the Prime Minister that there was at this moment no controversy between Her Majesty's Government and the Government of the United States with regard to that part of the Supplementary Article which provides that the President of the United States will make no claim before the Arbitration at Geneva in respect of the Indirect Claims. I ask your Lordships to consider the position in which you are placed. Under ordinary circumstances you would not have been told of any agreement with the Government of the United States until it had been signed in the ordinary way; but now we are told what is the exact proposition that has been made to the United States by Her Majesty's Government, and that with regard to this proposition there is now no negotiation pending. If you are satisfied with the bearing of this Supplementary Article upon the Indirect Claims, and the immediate arbitration pending at Geneva, by all means express your approval of it by your vote; but if you are not so satisfied, then I warn your Lordships that this is the only opportunity of expressing your opinion to that effect. Once you let the Article be duly signed, you cannot in fairness, as between man and man, turn round upon the Government and express disapproval of it. I do not look upon this Motion as a vote of confidence, or of no confidence in the Government, or as an attempt to interrupt the cordial relations between England and America:—it is an appeal to your Lordships—the result of accidental information and facts that have come to be known—to say whether you approve of the Supplementary Article or not. I must also say that I demur entirely to the view of the noble Earl who has just sat down when he said that the Motion was an attempt to break down the Treaty. On the contrary, it is an opportunity open to you of informing the Government of your views on this Article; the Article can fall or stand independently of the Treaty, and if it fall—or if it should not be ratified—it will lead to no other result than the substitution for it of another Article more clear, more satisfactory, and free from the danger and reproach cast upon this one even by the noble and learned Lord opposite (Lord Westbury), when he said that if it shut the door on one

source of quarrel, it was only by opening the door to another.

And now I desire to make a few remarks which it appears to me ought to be borne in mind when we are forming an opinion on the great subject of these Indirect Claims. I am not going to say a word about the composition of the Commission or the acts of the Commissioners; for I think the Prime Minister took a just view of the case when he deprecated the idea that responsibility rested on any one except the Members of the Government. Indeed, it is perfectly well known that the Commissioners were in constant communication with the Government by means of the telegraph, and that every word and every sentence which found its way into either the Treaty or the Protocols was duly and properly laid before the Cabinet. There are, however, two subjects which I ought to refer to before I pass from this part of the question. My noble Friend behind me the late Foreign Secretary (the Earl of Derby) has more than once stated in this House that he thought it was a mistake to send a Commission to Washington at all, and I think that circumstance will explain much of the difficulty which has arisen with regard to the Treaty. I remember one sentence of the noble Earl opposite (Earl Granville) in which he described the position of the Commission at Washington. He was speaking of the course taken in the United States under the Commission, and he said on the 12th of June last year—

“In considering several of those questions, Her Majesty's Government felt that there would be a great responsibility in breaking off the negotiations, and that in such an event ridicule, almost, would be brought upon the Commissioners and ourselves. Nevertheless, we at once declined to yield in every case where we deemed it our duty not to yield.”—[3 *Hansard*, cxxvi. 1847.]

There can be no doubt of the peculiar and intense difficulty in which the Government was placed by the necessity of preventing, at almost all hazards, the Commissioners returning home without having effected some purpose. Another point worthy of attention is the view of one of the Commissioners, Professor Bernard, who has since told us that the position of the negotiators of a Treaty is very peculiar, and he implies that when we deal with any ordinary subject in daily life we may have the benefit of professional advice, and can use

precise and accurate language, but that when we make Treaties we must consider ourselves almost destitute of advice, not having even the family solicitor — by which I presume he means the Law Officers of the Crown — to consult, and that, consequently, we are at liberty to use “less accurate” language than we otherwise should do. Well, in my judgment, these two circumstances account for a great deal of what afterwards occurred. Now, let me point out what did afterwards occur in regard to this Treaty. I quite agree with the noble Earl the Secretary of State that it is an unfair thing to pick holes in a Treaty after it has come into operation, and to raise objections to it which were not advanced when it was first presented to the country. Therefore, I shall make no objections to the Treaty which I did not make before it was ratified. There is an Article in this Treaty with reference to arms and munitions of war — it is the second Article — and the moment the Treaty reached this country, I pointed out in your Lordships’ House that this Article might be fairly considered as prohibiting a neutral from allowing dealings in contraband of war. It happened that at that particular time a controversy was going on with the Government of North Germany as to whether this country had discharged its duty sufficiently in preventing the export of contraband of war. Well, this view of the Treaty with the United States did not strike me alone, for on the same evening Sir Roundell Palmer interrogated the Prime Minister on the subject in the other House. The right hon. Gentleman (Mr. Gladstone) has since asserted that our Government never proceeded upon “understandings” with regard to the Treaty, and I wish, therefore, to call your Lordships’ attention to what he said in reply to Sir Roundell Palmer’s Question. The right hon. Gentleman stated that he had communicated with Lord De Grey, Sir Stafford Northcote, and Mr. Bernard, who all gave the Government the fullest assurance that the “understanding” was that the United States did not understand the Article to refer to contraband of war, that this “understanding” was shared in by General Schenck, but that Mr. Fish thought the two Governments should make a joint declaration in order to place the meaning of the Article beyond all chance

Lord Cairns

of misconception. Almost, therefore, before the ink of the Treaty was dry, it occurred to everyone who saw it that the second Article was open to the gravest doubt — that it could not mean what the words apparently signified; and the Prime Minister rose in his place and signified that by these “understandings” — by the “understanding” of the Government, of the United States representative, and of the President — by this triple understanding, the meaning of the words was to be arrived at; and that Mr. Fish was so impressed with the ambiguity of the matter that a joint declaration on the subject was highly desirable. I took the liberty of suggesting that the opinion of the Senate should also be obtained; but I am not aware that that has been done.

Well, let us pass to the next point in the Treaty. When Her Majesty’s Government sent this Commission to the United States, they furnished them with certain Instructions, and told them — “There is one thing you must do. There are many British subjects who have claims arising out of the war, and we have made it essential that any settlement of our disputes with the United States must include those claims.” Accordingly an Article was inserted in the Treaty to the effect that British subjects were to be entitled to bring their claims arising out of the Civil War under the arbitration provided for by the Treaty, if the claims arose prior to the 9th of April, 1865. Now, what happened under that Article? There was a firm of British subjects who came to me and said — “We have a claim arising out of the Civil War, and we are required to assert our claims under the Treaty;” but when they came to examine the Treaty they found that the Treaty said that the claim must have arisen before the 9th of April. Their claim, they said, was for the burning of a certain warehouse on the 11th of April, 1865. I said to them that probably that was after the war was over. They replied — “Nothing of the kind.” I asked them if they were quite sure. They replied they were quite sure, because the Supreme Court of the United States had declared that the war did not terminate until the month of August; and not only that, but there was an army of General Johnson in the field till the end of April or beginning of May, when the Con-

vention was made under which it surrendered. I asked the Foreign Secretary a question on the subject, and he said that the arrangement with General Lee in the month of April had been taken as the termination of the War. But it was not the termination of the War. Yet this date was fixed as the necessary term for filing the claims of British subjects arising out of the War. So that the moment the Treaty was made known it was seen that there were claims of British subjects not provided for.

Well, what comes next? We are told by the Government that there was one great thing accomplished by this Treaty—that rules had been provided for the future which were to define the duties of neutrals, and to govern controversies which might arise with regard to the performance of those duties. And we were told that these rules were not to stop as rules between us and the United States, but other Governments were to be asked to adopt them. It is not necessary to refer to these rules, because the whole of the rules turn upon these words, and were all governed by this general expression—"A neutral is bound to use due diligence" in doing certain acts. That is the governing clause of the whole of the rule—everything depends upon it—everything turns upon it. I took the liberty of saying to the Government that the rule will not define anything. "A neutral is bound to use due diligence"—it expresses nothing; it explains nothing. I dare say many of your Lordships have read an amusing part of a very dry book, written by the late Archbishop of Dublin—Archbishop Whately. It is the part of his book on "Logic" in which he treats of "Fallacies." He says there is nothing so fallacious in argument as using sentences in which you define one expression by using its equivalent; and he adds there is no language so calculated to lead one into these kinds of traps as the English, because, coming from the Saxon and the French, you can easily get two words which are nearly equivalent. Examples might readily be given, as "Every man ought to have the liberty to which he is entitled." That does not say much—but "A neutral is bound to use due diligence." What does that mean? Does it mean more than this—"A neutral is bound to use the diligence he is bound to use?" That is the great rule incubated

upon by the Commissioners for three months at Washington, and that is the sum total of it! A neutral is bound to use the diligence he is bound to use! You cannot make much of that rule when you come to apply it. And what has happened? The result has been as ludicrous as it could have been imagined to be. The British Government and the United States Government are as wide as the Poles asunder regarding the meaning of the rule. Here are two great countries, both speaking the English language, who have exerted their ingenuity to compose this small sentence, and there is not an approximation to agreement as to what the effect of it is. The United States Government understands that the diligence which is called for by the Treaty of Washington is due diligence—that is, they say, diligence proportioned to the magnitude of the subject, or commensurate with the emergency—diligence commensurate with the magnitude of the evil which is created if the diligence is not used. The English Government, on the other hand, say—and I consider it to be a much more reasonable proposition—that due diligence means that kind of diligence which the neutral Government can use consistently with its own laws and constitution—that is—all that you can require of a neutral is that it should have reasonable municipal laws, and that it should enforce them. I agree with that; but it is as different from the proposition of the American Government as two propositions can be. Observe the consequences of the different meanings attributed to the rule. You may go to Geneva—and you will not get a definition as to the meaning of the rule—the next arbitration you have under this rule will give rise to exactly the same difficulty. But that is not all. I should like to see the Foreign Government to whom you would go and present this rule for adoption. You and the American Government will go together—for example, to the Government of Germany—and tell that Government that here is an excellent rule for the conduct of neutrals, and ask them to adopt it. Well, I suppose the Germans would say, "We do not understand English, but you do—tell us what it means." The Americans will give one definition, and we will give another. The German Government will then say—"The rule, no doubt, is a very good rule; but you had

better go home and agree about the meaning of it—when you have, come back and we will see about it.”

But I must mention another subject, and a very serious one. The noble Earl opposite (Earl Granville) said he regretted very much that the Fenian raids were not provided for. But the Instructions to the Commissioners were that they were to be provided for. Accordingly, our Commissioners proposed to the American Commissioners that they should be dealt with. If the noble Earl regrets they were omitted, why were they omitted? If he regrets their omission, he is of opinion they ought to be included. The only information we have with regard to their omission is found in the Protocols. If ever there was a case in which insult was added to injury, it was in the treatment of these Canadian claims. The American Commissioners were not instructed to entertain them; we simply expressed our regret; and the Commissioners did not feel justified in entering upon the consideration of any claims not contemplated by the instructions of the United States Commissioners. What followed? “The British Commissioners would not urge further that the claims should be admitted, and had the less difficulty in doing so as a portion of the Claims were of a constructive and inferential character.” A slur was thus thrown over the claims of Canada by the English Commissioners, who say they have the less hesitation in throwing them over, “because a portion of them was of a constructive and inferential character.” The matter does not end there. The Dominion of Canada, when the time came for applying to Canada to pass the necessary Legislative Acts to give effect to other parts of the Treaty—the Dominion said “We will not do that”—they considered themselves so badly used in not having their claims provided for; and then they say this—in which the British taxpayer has no slight interest—the Dominion say “There is a mode by which our hands will be strengthened, and we shall be able not only to abandon our claims on account of the Fenian raids, but to pass the measures necessary to give effect to other parts of the Treaty—that is, by your giving us an Imperial guarantee to enable us to procure the construction of certain public works which will be highly beneficial to the United Kingdom as well

Lord Cairns

as to Canada.” The result of the whole is, this country is to be asked to guarantee a Canadian loan of £2,500,000—a guarantee which, of course, implies the giving to Canada the advantage of £50,000 a-year in raising a loan at lower interest, an advantage which will be duly counterbalanced by its effect on our own National Debt; that is, we not only run the risk of paying the United States sums we ought not to pay, but we absolutely undertake to pay Canada what ought to be paid to the Dominion, not by us, but by the United States.

This leads me, my Lords, to the consideration of these Indirect Claims. Let me first, in order to avoid misunderstanding, state my own opinion as to the merits of these Claims. I consider them, my Lords, to be absolutely preposterous. I cannot conceive that any Tribunal would for one moment entertain them. They are, as a ground for demanding a money payment, wholly without precedent or reason. I believe that the people of this country never for one moment believed that they were included in the scope of the reference to Arbitration. I believe that the Government—I accept their assurance implicitly—never intended that they should fall within the scope of the reference to Arbitration. But, my Lords, that is not the question. The question is, are they excluded from the reference so clearly that the Tribunal of Arbitration will be unable to pass judgment upon them; and are we to be left to the chance of whether the Arbitrators will decide that they are within the scope of the reference or not? The noble Earl (Earl Granville) asked me last night whether I adhere to the opinion I expressed last year?

EARL GRANVILLE: What I asked was whether the noble and learned Lord would rest his judicial character on the statement he then made?

LORD CAIRNS: I will accept the challenge of the noble Earl; but I must first ask him whether he has one view of the construction of a document in one place, and another view of it for another place. My Lords, I do not pretend to have any judicial character—as the noble Earl terms it—to be rested on any foundation but the honest expression of an honest opinion; but, on the other hand, I know no view as to the construction of a document to be taken on the judicial bench which should differ from that to

be expressed in your Lordships' House. I know the great and inestimable advantage which a Judge has of having a case argued before him. That advantage we have had on the present occasion. We have had conflicting views as to the construction of the Treaty fully before us; and now I tell the noble Earl that I can accept no compliment as to judicial character, accompanied, as it is, with a sneer that I am capable of making a construction of a document in one place differ from that I should give in another. My Lords, I will tell the noble Earl something more. He says he talked with a very learned Judge—a man, he says, of great reputation—half-an-hour before he entered this House, who said that the Indirect Claims were clearly inadmissible. My Lords, I have no doubt they should not be admitted—I believe no Judge would say that these Indirect Claims could be admitted for a moment:—but that is not the question—the question is, whether the hands of the Tribunal at Geneva are sufficiently tied and bound so that they are not the Judges to say whether these Claims are to be admitted or not? That is what we want to know—that is what my noble and learned Friend who spoke last but one (Lord Westbury) put very fairly. He said, with regard to the Supplementary Article, that we have now to do what the Commissioners ought to have done if they had understood their business—that is to say, to have added an Article to exclude these Claims. I agree that the Claims are preposterous, and that the country and the Government never meant to entertain them. But the question is, should we be satisfied with this Treaty, that it has left nothing in doubt? The noble Marquess the President of the Council taunted the noble Marquess behind me (the Marquess of Salisbury) with having thought it consistent with his duty to make observations which were highly in favour of the American view of the case. I dare say I shall be taunted perhaps in the same way. But I will tell the noble Marquess what I consider consistent with my duty. I consider it consistent with my duty to speak the truth, and I do not care whether it chimes in with the views of the Government of the United States or the Government of this country. I go further and say that in my belief our best

course with the United States would have been not to insist, as the Government have insisted, that the construction of this Treaty is free from all ambiguity—the Government never made a greater mistake than when they went to the United States in the first instance and said to them—"You are making claims not only against all principle, but in flagrant opposition to the Treaty." I say generous and high-spirited men could not have endured language of that kind without making a contest and struggle against it. Now, I tell the noble Earl my view about the construction of this Treaty. The Prime Minister says there is no ambiguity—that no sane person could have ever entered into a Treaty which had such a construction as America had put on it. The noble Earl himself, I believe, in his despatches uses language equally strong in regard to the construction of the Treaty. One of the Commissioners has told us they were responsible for having represented to the Government that they understood a promise to be given that these Claims would not be put forward by the United States; and to-night the noble Earl said that on a particular day the Government received a communication from the Commissioners saying that the Claims were not to be put forward. What is the meaning of this? Why were the Commissioners to write to the Government and say that a promise was given that these Claims would not be put forward if the Treaty was free of ambiguity? The two things cannot stand together. Take which you like—the Treaty is unambiguous—or admit that it is not clear and rest on the promise given by the Commissioners; but you cannot have both. I hold it to be a general principle that if you refer any breach of duty to the decision of a tribunal, as a matter to be atoned for by damages, that tribunal, unless you tie up its hands, will have a right to say what is the amount and what is the nature of the damages which can be claimed. Reference has been made to the Convention concluded with Mr. Reverdy Johnson, and as that document throws a light on the matter, I ask your Lordships' attention to it. I ask, what was the Convention which Lord Clarendon and Mr. Reverdy Johnson agreed to? The leading sentence is very remarkable. It states that the High Contracting

Powers agreed that all claims on the part of citizens of the United States on the Government of Her Majesty, including those generically called the Alabama Claims, should be referred to four Commissioners. The Convention spoke of all claims on the part of "citizens" of the United States; but there was not a word about the claims on the part of the Government. However, considerable dissatisfaction was manifested across the Atlantic with the Convention, and on the 25th of March, 1869, Mr. Reverdy Johnson wrote to Lord Clarendon, stating that the Treaty, the carrying of which into effect was important for the tranquillity of the relations between the two countries, could not be put in operation without the consent of the Senate of the United States. He then went on to say that his Government believed that it had claims of its own, on account of the fitting out of the *Alabama* and other similar vessels, and, as the Convention would not meet those claims, he proposed that the Treaty should be altered so as to include all claims on the part of the Government as well as on the part of the citizens of the United States. That is to say, Mr. Reverdy Johnson intimated that it was considered in America that the claims of the Government were not included in the Convention, and he therefore suggested that the Convention should be altered.

THE DUKE OF ARGYLL here handed a document to the noble and learned Lord, and asked him to read the second paragraph of the first Article of Mr. Reverdy Johnson's Convention.

LORD CAIRNS: The second paragraph says—

"The Commissioners so named shall meet in London at the earliest convenient period, and shall before proceeding to business make and subscribe a solemn declaration that they will impartially examine into all such claims as shall be laid before them on the part of the Government of Her Britannic Majesty, and on the part of the Government of the United States."

Is the noble Duke so simple as to suppose that, after a specific and limited reference to Arbitrators of the claims of individuals *eo nomine*, the form of the declaration of office, to be taken by the Arbitrators, can enlarge the scope of the reference? Heaven preserve the country from such negotiators! Lord Clarendon submitted the proposal of Mr. Reverdy Johnson to his Colleagues; but they repudiated the idea, and the matter dropped. If ever

Lord Cairns

there was a beacon to avoid a rock, surely that was one. All these documents were before the Commissioners, and what did they do? This is the reference they agreed to—

"In order to remove and adjust all complaints and claims on the part of the United States"—not a word of individuals here—"and to provide for the speedy settlement of such claims which are not admitted by Her Majesty's Government the High Contracting Parties agree that such claims shall be referred to a certain tribunal."

There the very thing is done which Lord Clarendon would not do. I have read between 20 and 30 pages in *The London Gazette* of the noble Earl's argument to show that the Indirect Claims are excluded from the present Treaty; and I think that the noble Earl will agree that I am summing up the case fairly when I state that the points on which he relies are three. He says, first, that in the process of diplomatic correspondence there have grown up a certain number of difficulties, which have become known as "the Alabama Claims;" that they never were understood to include the Indirect Claims, but were confined to direct claims, and the reference of the Treaty was to all the claims generically known as "the Alabama Claims." Now, against that you must set the change in the form of reference to which I have referred. May not the Americans say, very naturally in, their arguments—"What was the reason for this change in the form of reference if it was not meant to extend the scope of reference with regard to the Claims?" But besides this, the noble Earl himself last year in this House described the Alabama Claims as having come to include the wildest and most untenable claims which had been made by the United States. And, further than this, the Treaty confessedly goes beyond the claims of individuals, for the Protocol of the 4th of May specifies the expenses of the American cruisers in pursuit of the *Alabama*. The next argument of the noble Earl is, that the Protocol of the 4th of May contains a waiver by the American Government of the Indirect Claims. I wish I could find it to be so; but I do not find that the American Government waived anything. The American Commissioners simply said they wanted us to give them a lump sum, and in the hope of our doing so, they would not estimate for the present the amount of the Indirect Claims. After

referring to the indirect injury accruing from the transfer to the British flag of a large part of the American mercantile marine, enhanced rates of insurance, the prolongation of the War, and the large sum necessarily required for this and for the suppression of the rebellion, the Protocol says—

“In the hope of an amicable settlement (meaning the payment of a lump sum) no estimate was made of the indirect losses, without prejudice, however, to the right of indemnification in the event of no such settlement being made.”

In this I can see no waiver whatever. I have no fault to find with the manner in which the noble Earl conducts the argument on this point in his correspondence—the whole of his case on this subject is stated by him with great fairness. The noble Earl's argument is that the waiver of the Indirect Claims in the event of the “amicable settlement” referred to by the American Commissioners was a waiver which applied to any form of amicable settlement, and therefore applied to the form proposed by the British Commissioners and accepted by the United States. That is the whole argument on this part of the case. The American Commissioners, in the hope of an amicable settlement by the payment of a gross sum, made no estimate of the indirect losses; the British Commissioners declined such a mode of settlement, and Her Majesty's Government maintain that the Americans were bound not to put forward those Claims, whatever the form of settlement. Now, I must say that this is an argument on which I, for one, hold that we cannot safely rely. The third argument struck me much at first, and I was disposed to think it was conclusive. It is this:—The Treaty provides that the Commissioners at Geneva are to take up the case of each particular ship, and say as to each whether the British Government was or was not guilty of negligence; and then, if the Commissioners do not award a gross sum they are to send the whole question of damage to another Commission at Washington, which is to deal with each particular ship and find the damage arising in each case. Consequently, argue the Government, how would it be possible to deal with claims for the prolongation of the War, the enhanced cost of insurance and so on, and to allocate a particular portion to each parti-

cular ship? I thought that first a very good argument; but, unfortunately, the Prime Minister has cut it from under our feet. He has said we have admitted that there must go before the Arbitrators at Geneva the question whether we are liable for the cost of the American Navy—that is to say, the cost of the pursuit of the various cruisers which are said to have left this country, which, I believe, is pretty much the cost of the whole American Navy, for the Navy was not doing anything else. I was appalled when I heard that statement. I have read the Treaty, and the Protocols, and I do not see a word in either which amounts to an admission on our part that this is a claim which ought to be entertained by the Arbitrators. What I find is this—that in one of the Protocols the American Commissioners said on their own authority that they thought the expense of the Navy in pursuit of the cruisers was a direct claim, which ought to be recognized as such. No notice was taken of that; it was not assented to by our Commissioners. I believe these Claims to be just as preposterous as any other claims. Suppose we were guilty of breach of duty as neutrals—why, after paying 20s. in the pound to every person who has suffered in consequence, should we be called on to submit to pay the expenses of American ships in pursuing cruisers which they never saw? But if the Prime Minister is right—if these Claims are to go to the Arbitrators, there is an end to the argument that nothing is referred to Arbitration beyond the special damage done by each particular ship.

My Lords, let us manfully look the question in the face. Let us admit that these are matters of great gravity. The noble Earl (Earl Granville) wants to know whether I am of the same opinion which I have already expressed with respect to the ambiguity of the Treaty;—and my answer is that I see nothing in it to prevent the Arbitrators from being the Judges whether these Indirect Claims are to be entertained or not. I must express the regret which I feel that the Government did not take the right course in this matter. I think the Government, when this question sprang up, ought never to have raised a controversy as to the construction of the Treaty. I think they ought to have said to the Government of the United States:—“There is not the

ing this demand at any future time in whatever different form it may be brought forward. Still I recognize in this Treaty so much good that I should be very sorry if this House should interfere so as to prevent its coming into force. It is probable that if the United States withdraw—as I have no doubt they will *bond fide* withdraw—these Claims, we shall never hear of them again, and that the danger which I have pointed out is, after all, but an imaginary danger. We must, however, take into account that the Government of the United States have their own peculiar difficulties to contend with, and, whilst condemning the course they have pursued, confess that we are ourselves by no means free from fault, and that the ambiguity of the language of the original Treaty was not their work alone. We must recollect that this was owing to our own incapacity; and, having regard to that consideration, I think we are likely to obtain from the United States as much as, under the circumstances, we can reasonably require; and I entreat of your Lordships not to destroy this prospect, but rather to give the Government what I think they are entitled to—some further scope and opportunity of completing these negotiations. Your Lordships have already received the declaration of the Government—made, I believe, in all sincerity—that the bringing forward of these Indirect Claims is what they will never assent to. In that I believe them thoroughly, and I should believe them if it were only out of the natural instinct of self-preservation, because they know, and it is unnecessary to repeat it, that if there were the smallest kind of a vestige of trembling or hesitation in their conduct, or if a notion were to be entertained in England that they meant to give way to any further demand of America, the existence of the Government as a Government would not continue for 24 hours. What, my Lords, will be the consequence of your adopting the Resolution proposed by the noble Earl? The result will be to shut up this Treaty? How will it be possible to get on? The Ministry did their utmost to get on, and they found it impossible to do so without adding a new Article to the Treaty. In fact, that which the Commission ought to have done at first by inserting a few words excluding those Indirect Claims, after

Lord Westbury

months of anxiety and labour they now propose to do by the substitution of this additional Treaty. My Lords, I am glad that we have arrived at something definite; for up to the present time we have had a series of understandings in which nothing has been understood—a series of explanations in which nothing has been explained. I welcome, therefore, any sign of certainty in our position. That position I have attempted to define. You have now, I think, a reasonable assurance that what ought to have been in the original Treaty is now effected by the Supplementary Article. Better late than never:—but now that it is to be added, and added in honesty, I think it would be unreasonable, I think it would be impolitic, I think it would be—I can hardly call it dishonourable, but, at all events, scarcely a creditable thing—to refuse to wait and see what is to be done by this Supplementary Article. If, however, your Lordships should take a different course you will do so with the full knowledge of a great responsibility, and that you will be putting off to an indefinite period of time a settlement of a question which, for the sake of the commercial interests of both countries, I believe it to be all-important to settle. I think the American Government will be then fully authorized in treating the violent irruption of this House as an unfortunate circumstance in the present position of the relations of both countries. I cannot, therefore, bring my mind to vote for this Motion. The Motion may, no doubt, in its strict sense be regarded as an innocent one, because it leaves the Government still at liberty to continue the negotiations; but the words are sure to be taken as implying more than they would usually imply, and I think, if this Motion is carried, that it will be impossible for Her Majesty's Government to conduct further proceedings in this matter with any chance of guiding them to a profitable conclusion. I therefore hope your Lordships will abstain from passing the Motion of the noble Earl. What you wanted to get, and what was properly required at the time the Notice was given, was a declaration by the Government that nothing should induce them to be forgetful of the honour and interest of this country, so far as to entertain these Indirect Claims. Of that you are now well assured, and there-

fore no necessity exists for the Motion, unless you are satisfied that the proceedings between this country and America are a sham, and that they are conducted by the Government in such a manner as to afford no reasonable chance of a prosperous and successful conclusion. If your Lordships pass this Motion, I believe it can have but one effect—namely, be productive of mischief to the real interests of the country, and of unnecessary embarrassment to Her Majesty's Government in the settlement of this question.

THE EARL OF ROSEBURY said, he must apologize to their Lordships for venturing to interpose between the House and the noble and learned Lord (Lord Cairns); but he was anxious to remind their Lordships how momentous in its consequences was the vote which they were called upon to give. The noble and learned Lord who had just spoken (Lord Westbury), in the course of those precious balms with which he was accustomed to break the head of Her Majesty's Government, while he was of opinion that the time might come when the Treaty itself and the conduct of the Government in the negotiations could be fully criticized, nevertheless expressed his opinion that their Lordships were bound on that occasion to support Her Majesty's Government. On the other hand, the noble Earl (Earl Russell) proposed a Resolution, by the acceptance of which their Lordships would not only pass a Vote of Censure on the Government, but, in point of fact, they, a legislative Body, would intervene between two high contracting parties in the course of negotiation, and would dictate in a most imperative manner the course each party should take. They would, in effect, say to Her Majesty's Government—"You are not to proceed to the Arbitration at Geneva under certain circumstances," and to the American Government—"We will not meet you there unless you take the particular course we point out." That was the position he desired to bring distinctly before their Lordships before they went to a division. Was that the way to treat a high-spirited nation? Let any one of their Lordships imagine himself under such circumstances in the place of an American citizen—and, to make the case more extreme, in the place of an American citizen who disapproved these Indirect

Claims, and of President Grant's administration. Would he not say—"I cannot approve the course our Government has taken; but if you ask me whether we will submit to the dictation of another Government—and not even to another Government, but to a single House of Legislature—if we are to have a pistol held at our head, and then ordered to give up these Claims—I say rather let us insist on every jot and tittle of the Claims rather than withdraw them." The dictation which this Resolution contained could only have the effect of depriving us of sympathy and assistance; for all Americans, whether they believed the Claims to be just or not, would feel themselves bound to uphold them if it was attempted to procure their withdrawal at the dictation of a foreign Power; and he trusted that under similar circumstances there was no Member of their Lordships' House sufficiently unpatriotic not to pursue the same course. Let him remind the House that in 1858 the Conspiracy for Murder Bill was brought forward by the English Government. Its provisions were not objected to, but it was thrown out by the mere rumour that it had been introduced at the suggestion of a foreign Power, and that it would be acceptable to the Emperor of the French; and yet it was now proposed that we should take a somewhat similar course, and attempt to dictate to another nation the course they should pursue: and he felt certain that it would produce a similar effect upon the Americans that the hint of French dictation then produced upon us. It would be remembered by many of their Lordships that the present Leader of the Conservative party, in reference to a measure under his charge, once said to the House of Commons—"First pass the Bill—then turn out the Ministry." That he firmly believed to be the feeling of Her Majesty's present Government. What they desired, he felt convinced, was that the Treaty should first be passed and then that the Government should take its chance. He did not admire the position of the noble Earl who had brought forward this Resolution with regard to this question. Considering that the acts of the *Alabama* and other vessels, out of which these Claims arose, took place while the noble Earl (Earl Russell) was Foreign Secretary, this Motion would have come with

a better grace from anyone rather than him. No one knew better than himself the difference in their relative positions. He well knew the humble position he occupied in their Lordships' House. He well knew that the noble Earl addressed them with all the weight of his great experience, all the lustre of his historic name, with all the prestige of a former Prime Minister. But, knowing all this, he could honestly say on this occasion, and as regards this debate, that he preferred his own insignificance to the eminence—the mischievous eminence of the noble Earl. It was easy enough to pass Votes of Censure. During the few years he had sat in that House, the annual Vote of Censure had come round as regularly as the hands of the clock. But it was not every day they had an opportunity of destroying a Treaty. They should make no allusions as to the course they were preparing to adopt. If they passed this Motion, they might, or might not, affect the position of the Ministry. That, he believed, the Ministry, in face of the greater danger, would be the first to consider of little consequence. But the Treaty could not exist another instant. They, by their votes, would have done that, of which it was easy, though painful, to see the beginning, but almost impossible to see the end. They would have stamped out the last vestige of a Treaty; they would have blistered instead of healing an open sore; they would have disturbed, perhaps permanently, the good relations between the two countries. He implored, then, each noble Lord, as he recorded his vote, to pause in face of the responsibility—the tremendous responsibility—which he was about to assume.

LORD CAIRNS: My Lords, I am sure there is not one of your Lordships who thinks any apology was due from the noble Earl who has just sat down (the Earl of Rosebery) for interposing in this debate. With much that he has said I cannot agree; but I am confident there is nothing which can add greater weight and acceptability to the debates in your Lordships' House than that we should have partaking in them from time to time Members who have the advantage of being younger than those who sit upon the front benches. The noble Earl will, however, excuse me for saying that I think he has somewhat misunderstood the situation of the case

when he speaks of "dictation" on the part of your Lordships to the United States—when he assimilates the present question to a question with regard to the enactment of a municipal law in 1858—and, above all, when he speaks of the vote of your Lordships' House to-night as a vote which could possibly endanger the cordial relations of the two countries. My Lords, it is now about six months since the people of this country became thoroughly alive to the gravity of the question of these Indirect Claims, and we are now here discussing the manner in which, after this lapse of time, these Claims are to be dealt with. Up to the present time there has been great reticence—the Government admits it—very great reticence on the part of your Lordships. I think it can be easily explained. Declarations on the subject have from time to time been made by Members of the Government—statements were made at the commencement of the Session, and more than once since then, in answer to Questions put to the Government—I do not profess to have before me the words which have been used by Members of the Government; but I think I am right in saying that the impression which the declarations of the Government conveyed to the mind of the country was this—that the Government were prepared, in their negotiations with the United States, to maintain the position that the Indirect Claims must be withdrawn from the Arbitration at Geneva. As long as this state of things continued—as long as we were invited to rest on these assurances—as long as we were in ignorance of the process or the precise form the negotiations were taking—it was the constitutional duty of your Lordships' House to remain silent and to wait for the regular and constitutional occasion which would arise for pronouncing an opinion upon the result of the negotiations, as soon as that result was made known. But the position of things is now altogether changed. It is no longer a matter of obscurity with regard to these negotiations—but by a singular series of circumstances such as have probably never occurred before, we are now told that the negotiations upon a point which interests us most particularly have come to an end. We have had laid upon our Table a draft Supplementary Article which is to regulate the position of the

Arbitration at Geneva, and we were informed last night by the Prime Minister that there was at this moment no controversy between Her Majesty's Government and the Government of the United States with regard to that part of the Supplementary Article which provides that the President of the United States will make no claim before the Arbitration at Geneva in respect of the Indirect Claims. I ask your Lordships to consider the position in which you are placed. Under ordinary circumstances you would not have been told of any agreement with the Government of the United States until it had been signed in the ordinary way; but now we are told what is the exact proposition that has been made to the United States by Her Majesty's Government, and that with regard to this proposition there is now no negotiation pending. If you are satisfied with the bearing of this Supplementary Article upon the Indirect Claims, and the immediate arbitration pending at Geneva, by all means express your approval of it by your vote; but if you are not so satisfied, then I warn your Lordships that this is the only opportunity of expressing your opinion to that effect. Once you let the Article be duly signed, you cannot in fairness, as between man and man, turn round upon the Government and express disapproval of it. I do not look upon this Motion as a vote of confidence, or of no confidence in the Government, or as an attempt to interrupt the cordial relations between England and America:—it is an appeal to your Lordships—the result of accidental information and facts that have come to be known—to say whether you approve of the Supplementary Article or not. I must also say that I demur entirely to the view of the noble Earl who has just sat down when he said that the Motion was an attempt to break down the Treaty. On the contrary, it is an opportunity open to you of informing the Government of your views on this Article; the Article can fall or stand independently of the Treaty, and if it fall—or if it should not be ratified—it will lead to no other result than the substitution for it of another Article more clear, more satisfactory, and free from the danger and reproach cast upon this one even by the noble and learned Lord opposite (Lord Westbury), when he said that if it shut the door on one

source of quarrel, it was only by opening the door to another.

And now I desire to make a few remarks which it appears to me ought to be borne in mind when we are forming an opinion on the great subject of these Indirect Claims. I am not going to say a word about the composition of the Commission or the acts of the Commissioners; for I think the Prime Minister took a just view of the case when he deprecated the idea that responsibility rested on any one except the Members of the Government. Indeed, it is perfectly well known that the Commissioners were in constant communication with the Government by means of the telegraph, and that every word and every sentence which found its way into either the Treaty or the Protocols was duly and properly laid before the Cabinet. There are, however, two subjects which I ought to refer to before I pass from this part of the question. My noble Friend behind me the late Foreign Secretary (the Earl of Derby) has more than once stated in this House that he thought it was a mistake to send a Commission to Washington at all, and I think that circumstance will explain much of the difficulty which has arisen with regard to the Treaty. I remember one sentence of the noble Earl opposite (Earl Granville) in which he described the position of the Commission at Washington. He was speaking of the course taken in the United States under the Commission, and he said on the 12th of June last year—

“In considering several of those questions, Her Majesty's Government felt that there would be a great responsibility in breaking off the negotiations, and that in such an event ridicule, almost, would be brought upon the Commissioners and ourselves. Nevertheless, we at once declined to yield in every case where we deemed it our duty not to yield.”—[3 *Hansard*, cccv. 1847.]

There can be no doubt of the peculiar and intense difficulty in which the Government was placed by the necessity of preventing, at almost all hazards, the Commissioners returning home without having effected some purpose. Another point worthy of attention is the view of one of the Commissioners, Professor Bernard, who has since told us that the position of the negotiators of a Treaty is very peculiar, and he implies that when we deal with any ordinary subject in daily life we may have the benefit of professional advice, and can use

Bristol, M.
Exeter, M.
Hertford, M.
Salisbury, M.
Winchester, M.

Abergavenny, E.
Albemarle, E.
Amherst, E.
Annesley, E.
Bathurst, E.
Beauchamp, E.
Belmore, E.
Bradford, E.
Brooke and Warwick, E.
Brownlow, E.
Cadogan, E.
Cawdor, E.
Coventry, E.
Dartmouth, E.
Denbigh, E.
Derby, E.
Eldon, E.
Essex, E.
Feversham, E.
Fortescue, E.
Gainsborough, E.
Graham, E. (*D. Montrose.*)
Grey, E.
Harewood, E.
Hillsborough, E. (*M. Downshire.*)
Home, E.
Jersey, E.
Lanesborough, E.
Lauderdale, E.
Leven and Melville, E.
Lucan, E.
Macclesfield, E.
Malmesbury, E.
Manvers, E.
Minto, E.
Nelson, E.
Powis, E.
Rosse, E.
Sommers, E.
Stanhope, E.
Stradbroke, E.
Tankerville, E.
Verulam, E.
Wilton, E.

Bangor, V.
Combermere, V.
De Vesci, V.
Doneraile, V.
Exmouth, V.
Hardinge, V.
Hawarden, V. [*Teller.*]
Lifford, V.
Sidmouth, V.
Strathallan, V.

Peterborough, Bp.
Rochester, Bp.

Abercromby, L.
Abinger, L.
Aveland, L.

Blantyre, L.
Bolton, L.
Boston, L.
Brodrick, L. (*V. Middleton.*)
Cairns, L.
Chelmsford, L.
Clements, L. (*E. Leitch.*)
Clinton, L.
Colchester, L.
Colville of Culross, L.
Congleton, L.
Delamere, L.
De L'Isle and Dudley, L.
Denman, L.
De Saumarez, L.
Digby, L.
Dunmore, L. (*E. Dunmore.*)
Dunsany, L.
Egerton, L.
Ellenborough, L.
Elphinstone, L.
Foxford, L. (*E. Lime-
rick.*)
Gormanston, L. (*V. Gormanston.*)
Hawke, L.
Headley, L.
Hylton, L.
Kenlis, L. (*M. Head-
fort.*)
Kesteven, L.
Leconfield, L.
Moore, L. (*M. Drogheda.*)
Northwick, L.
O'Neill, L.
Oranmore and Browne, L.
Oriel, L. (*V. Masse-
reene.*)
Ormathwaite, L.
Ormonde, L. (*M. Or-
monde.*)
Penrhyn, L.
Ravensthorpe, L.
Rayleigh, L.
Redesdale, L.
Saltersford, L. (*E. Cour-
town.*)
Scarsdale, L.
Sheffield, L. (*E. Sheffield.*)
Sherborne, L.
Silchester, L. (*E. Long-
ford.*)
Sinclair, L.
Skelmersdale, L.
[*Teller.*]
Sondes, L.
St. John of Bletso, L.
Strathnairn, L.
Thurlow, L.
Vivian, L.
Wentworth, L.
Wigan, L. (*E. Craw-
ford and Balcarres.*)
Wynford, L.
Zouche of Haryngworth, L.

passed the day in Court, and had now been several hours without refreshment. The debate had wandered from the Motion, and they had been discussing the Treaty, and had thus been guilty of irregularity, which, in "another place," would not have been endured. Under these circumstances, he moved that the House do now adjourn.

Moved, "That the House do now adjourn."—(*The Lord Kinnaird.*)

THE DUKE OF RICHMOND said, he understood that the noble and learned Lord was the only Member of their Lordships' House who now desired to take part in the debate, which would have closed with his speech; but at that hour he did not feel it right to persist in asking their Lordships to continue their sitting, and, therefore, he would reluctantly consent to a Motion to adjourn the debate, as he supposed, until Thursday, when he supposed the noble and learned Lord on the Woolsack would have an opportunity to reply to the speech of the noble and learned Lord who had just addressed their Lordships.

Motion (by Leave of the House) *withdrawn*.

Then the further debate upon the original Motion adjourned to *Thursday* next.

House adjourned at One o'clock, A.M.,
to Thursday next, half-
past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 4th June, 1872.

MINUTES.]—SUPPLY—considered in Committee Resolutions [June 3] reported.

PUBLIC BILLS—Ordered—First Reading—Drainage and Improvement of Lands (Ireland) Supplemental * [185]; Betting * [186].

Second Reading—Bishops Resignation Act (1869) Perpetuation [137], debate adjourned; Local Legislation (Ireland) (No. 2) * [27], debate adjourned; Tithe Rent-charge (Ireland) * [70], debate adjourned.

Referred to Select Committee—Oyster and Mussel Fisheries Supplemental (No. 2) * [172].

Select Committee—Juries * [114], nominated.

Committee—Education (Scotland) [31]—A.R.

Committee—Report—Court of Chancery (Funds) (re-comm.) * [140]; Sites for Places of Worship and Schools * [2].

The House met at Two of the clock.

LORD KINNAIRD said, the noble and learned Lord on the Woolsack had

ARMY—MILITIA SURGEONS.

QUESTION.

COLONEL CORBETT asked the Secretary of State for War, Whether he is now prepared to state how Militia Surgeons are to be remunerated for the losses they will sustain by the new regulations, which transfers those portions of their duties to Army Surgeons, for the performance of which the greater part of their emolument has hitherto been derived?

MR. CAMPBELL (for Mr. CARDWELL) said, his right hon. Friend had nothing to add to what he had previously stated on that subject. If any claims were preferred on the part of Militia surgeons, his right hon. Friend would at all times be ready to give them due consideration, but he had not prepared a general scheme for compensation to those officers.

FRANCE—QUARANTINE IN FRENCH PORTS.—QUESTION.

MR. BAILLIE COCHRANE asked the Under Secretary of State for Foreign Affairs, Why all sailing vessels, yachts included, are subjected to quarantine on entering any French Ports unless provided with a clean Bill of health, while steamers are permitted to land their passengers without any restriction?

VISCOUNT ENFIELD: Sir, the French Government enforced again last year a regulation of some years' standing requiring all vessels entering a French port to be provided with a clean bill of health. But in consequence of representations respecting the inconvenience thereby occasioned to the regular mail and passenger steamers, it was relaxed in their favour, but not in the case of other sailing craft.

INDIA—HURRICANE AT MADRAS.

QUESTION.

SIR JAMES ELPHINSTONE asked the Under Secretary of State for India, If he will state to the House the loss of life and ships, and the damage to public and private property, caused by the late hurricane at Madras, specifying the names of the ships and the number of native crafts; and, whether the Government of Madras is in possession of any steam tugs or other appliance by which assistance may be afforded to shipping on such occasions?

MR. GRANT DUFF: In reply, Sir, to the hon. Baronet, I have to say that all the information we have as yet received on the subject of the hurricane at Madras is contained in a telegram from the Governor of the 6th of May, which I will read—

"Disastrous cyclone here on 2nd of May. Following ships driven ashore and wrecked:—*Sir Robert Seppings, Burlington, Ardbeg, Armenian, John Scott, Hotspur, Misser, Kingdom of Belgium, and Invereshie*. Captain Hobson and the chief officer of *Ardbeg* and six of crew lost. Second and third officers, Morris and Boodle, of *Hotspur*, and *Thompson* (here follow two words which are unintelligible) of crew lost. Native crafts in port all sunk or driven on shore. Considerable loss of life feared. Loss of property serious. Madras pier breached. Extraordinary fall of rain reported from North Arcot and Tanjore from 30th of April to 2nd of May. Vellore town inundated from breached tanks. Immense damage to town and great loss of life among native population. Relief measures in progress; ship *Isabel Croom* dismasted near point Calimere; also ship *Orissa*, 50 miles east of Madras."

With regard to the second part of the hon. Baronet's Question, I am not aware that the Government of Madras has any steam tugs or other appliance by which assistance may be afforded to shipping on such occasions; but, at the same time, I cannot positively say that it has nothing of the kind.

EDUCATION (SCOTLAND) BILL.—[BILL 31.]

(The Lord Advocate, Mr. Secretary Bruce, Mr. William Edward Forster.)

COMMITTEE. [Progress 3rd June.]

Bill considered in Committee.

(In the Committee.)

I.—GENERAL MANAGEMENT.

Clause 1 (Interpretation of Act).

Section, Definition of "Parish School."

MR. GORDON said, he desired to draw a distinction between parish schools and schools to be placed under the management and control of the local education boards. He would therefore move to insert words defining Parliamentary schools, as "schools established under the provisions of the Act, 1 & 2 Vict., c. 87."

THE LORD ADVOCATE objected to the proposed Amendment, but would himself move an Amendment which he thought would meet the views of the hon. and learned Gentleman, and also of the hon. Member for Edinburgh (Mr. M'Laren.) In the next section, "Burgh Schools" were defined as any school to

which that term is now legally applicable—and any public school situate in a burgh, “and now under the management or partial management of the town council thereof.” He proposed to strike out these words.

After short discussion, Amendment agreed to; words struck out.

Then, on the Motion of Sir ROBERT ANSTRUTHER, the word “Schoolmistress” was added to the definition of “Teacher.”

Clause, as amended, agreed to.

Clause 2 (Expenses of Scotch Education Department).

MR. ELLICE moved that the Clause be postponed.

THE LORD ADVOCATE said, that if the Committee adopted the view of the hon. Member as being the most convenient, he should not object to it; but he failed to see the necessity of it. The Committee on the previous night decided that a Scotch Department should be created for the performance of certain duties. What those duties would be must, of course, depend upon the form in which the Bill passed; but if officers were to be appointed, they must be paid, and all the clause asked was that provision for such payment should be made.

MR. W. E. FORSTER pointed out that this clause was absolutely necessary, inasmuch as the Committee had already affirmed that there must be a Scotch Education Department to distribute the Education Grant, which was now distributed by the Committee of Council without distinction between Scotland and England.

MR. ANDERSON said, he thought the point aimed at had been missed by the advocates of the Bill. What he wanted to know was whether the Scotch Board was to be a sham—which he was rather afraid was what was intended—or whether it was to be a real working Board. If the latter, it would, of course, be necessary to provide for the salaries of the officers; but he thought they should not make that provision until it was seen what would be required.

MR. W. E. FORSTER said, there was no intention on the part of the Privy Council to interfere with the Scotch Board; and if there was to be a Scotch Board it ought to be paid.

MR. ORR-EWING said, he did not understand the decision of the previous night as being in favour of a Scotch

The Lord Advocate

Education Department of the Privy Council. What he wanted to see was a Scotch Board, managing in Scotland the education of the Scotch people, and not a double set of paid officials performing the same work.

MR. CRAUFURD said, he would oppose the appointment of a paid temporary Commission, because he thought such a Commission would be useless, and would be not unlikely to become a permanent burden upon the Exchequer. But he did not understand his hon. and learned Friend to say that the appointment of a paid Commission was intended. As there must be officers to manage education matters in Scotland, he saw no reason for postponing a clause which merely provided for the payment of their salaries.

MR. M'LAREN said, that before the clause was agreed to the Government ought to state what was to be the exact nature of this Board. If the clause defining the Education Board, its duties and requirements, was not yet prepared and ready to lay on the Table of the House, let the present clause be postponed until it was.

MR. M'LAGAN said, he was surprised that the hon. Member for Edinburgh (Mr. M'Laren) had asked what was to be the nature of the Scotch Board, because the Lord Advocate stated distinctly last night that he had substantially adopted his (Mr. M'Lagan's) Amendment. The right hon. and learned Gentleman at the same time said that the members of the Board were to be paid. It was expedient that this clause should be postponed until the Government laid before the Committee the clause which they intended to propose instead of his Amendment. He hoped that clause would not disappoint Scotch Members by proposing the appointment of a sham Board.

SIR EDWARD COLEBROOKE also agreed as to the advisability of postponing the clause, although he thought the real question was not so much the payment of the officers as the definition of their duties.

THE LORD ADVOCATE, in consenting to the postponement of Clauses 2 and 3, said, he hoped hon. Members had no fear, after the explanation which had been afforded, of anything like a sham Board being constituted under the provisions of this Bill. The Government would consent to the temporary appoint-

ment of a body which should exist as long as, and no longer than, necessary to give the measure a fair start, but should have no power to interfere with the mode in which the Imperial Government distributed the Imperial funds.

LORD JOHN MANNERS observed, that if the Committee went on postponing clauses in this way the result would be to leave a very small residuum of work. The Bill had been draughted with the intention of placing the whole of these powers in the hands of the Committee of Council in London, and the Government having changed their ground at the last moment, much confusion had naturally occurred. It was impossible to proceed with it until the Government had decided upon the constitution and powers of the new Board in Scotland, and until those points were settled the Committee would be working in the dark, and would be sure to make a most unsatisfactory affair of the Bill.

SIR JOHN HAY trusted that before the postponed clauses were again brought up the Government would find some more appropriate designation for the Scotch Board than "Officers to be appointed in Scotland."

SIR JAMES ELPHINSTONE attributed the whole of the inconvenience the Committee had to endure in this matter to the fact that the right hon. and learned Lord Advocate had changed his plan. What the decision of the Government was to be they were, it seemed, not to know before Thursday. In order to enable the Government to amend their Bill as a whole he begged to move that the Chairman report Progress, and that the measure be proceeded with next Thursday.

MR. ORR-EWING said, he hoped the hon. Baronet would not press his Motion, in order that those parts of the Bill which were unaffected by the change in the views of the Government might be proceeded with.

SIR JAMES ELPHINSTONE said, that being just as anxious as his hon. Friend to press the Bill forward, he would not persevere with his Motion to report Progress; but it appeared to him that the Government ought, at the earliest possible opportunity, to state to the Committee what they proposed to do in reference to this clause. He believed the Board in Ireland administered public funds independently, and he thought Scotchmen were quite as competent as

Irishmen to do this. The whole amount would be only about £250,000 a-year—not more than the income of many a private gentleman in this country. An attempt was being made to get political capital by degrading his countrymen, by supposing that they could not administer a sum like this in an honest way. [*Murmurs.*] If Scotch Members said a Board in Edinburgh could not administer a sum like that, they did not give their countrymen a very good character.

Motion, "That the Chairman do report Progress, by leave, *withdrawn.*"

Clause *postponed.*

Clause 3 *postponed.*

II. LOCAL MANAGEMENT.

Clause 4 (Election of school boards).

MR. GORDON said, the Amendment he was about to move was one of an important character. His proposal was, that in page 3, line 10, the words "parish and" should be omitted, the result of which omission would be that the establishing of the school boards would be confined to burghs. He admitted the propriety of establishing local boards in the burghs, because, while in the parishes there was provision made by statute for the existence of a school or schools—and in some parishes there were three—there was no such statutory provision made for schools in the burghs. Now, the purpose of his Amendment was to exclude the parish schools from the operation of the Bill. At present, there was at least one school in every parish—while in some parishes there were one or two additional schools provided by the heritors, and the management was vested in those who had property substantially to the value of £100 Scots a-year, and the parish minister. There were also schools voluntarily established and supported by the proprietors, who took a deep interest in the educational requirements of the people. These schools were also supported by the different churches. The Church of Scotland had about 1,200 such schools, the Free Church about 600, and the United Presbyterian Church about 45. These were further supplemented by adventure schools, which would scarcely be affected by the operation of the measure now under consideration. In the course of the discussion last night the principle of the Education Act of 1870

was stated to be that existing schools should not be destroyed, but that they should be supplemented by new schools to be established by school boards wherever there was a deficiency of educational means. This was stated in the most distinct manner by the Vice President of the Council. There could, in fact, be no doubt about that principle, and it was said that it was the only safe and proper principle upon which to proceed. His Amendment was calculated to bring this Bill within the lines of the English Act, and to preserve the parish schools, with certain alterations to which he would afterwards refer. These parish schools had done good service towards education in Scotland; but this Bill would abolish them, and destroy their character in every respect. The parish schools were not only sufficient for the educational wants of many of the parishes in Scotland; but they were also distinguished for their efficiency. Of all others, they were the institutions of which Scotchmen might well be proud, and they had afforded the best education for the humbler classes of people. They had been held up as an example to England and other countries, and distinguished foreigners had stated that such admirable institutions did not exist in any other country in the world. Having such valuable schools, therefore, why should they be destroyed, as he maintained they would be, by this Bill? The proposal was not in accordance with the principle of the English Education Act; but even if it were, he would maintain that they had not had sufficient experience of the working of that Act to justify them in altering it. He appealed to Scotch Members to say whether there was not a strong feeling in Scotland in favour of the parish schools? Why should they not be maintained as they were? Therefore—at least, in the first instance—let them have the two systems working concurrently, so that they might see which worked best, and they would then be able to say whether they would be prepared to bring these schools under the cognizance and management of the local Boards, or whether they would leave them under the management of those who had hitherto proved so efficient in conducting education in Scotland? This was a question involving finance as well as matters of policy. With reference to the management of schools, it was

Mr. Gordon

proposed to give to the proprietors—who were at present liable under assessment established in 1696, and which had continued increasing with the requirements of the times down to the present day—a sum of nearly £50,000, which was at present available for educational purposes. That was a kind of bribe offered to the managers of these schools in order to obtain their assent to the sacrifice of the parochial schools; but he ventured to say that the heritors who were liable to this assessment were most willing to continue the present system, and they did not want the gift of this money. They desired that the management should be continued, subject to some enlargement, to which he should hereafter refer. The effect of the Lord Advocate's proposal would be to impose a very heavy burden upon the ratepayers, varying from 1½d. to 8d. in the pound. In return for these burdens to be borne by them, the ratepayers would acquire the privilege of sharing to a very infinitesimal degree in the nomination of the schoolmaster when the office became vacant. He (Mr. Gordon) had recently received a letter from one of the constituents of the hon. Member for Fife (Sir Robert Anstruther) to the effect that whereas he was able to secure education for his three children under the existing system for £4 a-year, including the cost of books, and for this had them instructed in the three Rs', in geography, Latin, and mathematics, he would, under this Bill, have to send them to a burgh school at a cost of £20 or £30, and pay rates in addition. [Sir ROBERT ANSTRUTHER asked the name of the correspondent.] He had not the letter with him, but believed he could put his hand on it, and would ask for permission to communicate the name of the writer to the hon. Baronet. [The LORD ADVOCATE asked whether he was a tenant farmer?] He (Mr. Gordon) said he was. The recommendations of the Education Commissioners in Scotland seemed to have been utterly set aside by the Government. The Commissioners resolved that no alteration should be made in the existing management of parochial schools, and that they should, as far as possible, be carried on as they stood, subject, of course, to inspection and examination. Now, what were the provisions made by the Bills introduced into that House by the

Liberal Government? The Bill of 1869 approved by the House of Commons fresh from the hustings, had acted on this recommendation, except in one particular—namely, that the electors of the controlling body should not be confined to heritors paying £100 Scots, but should include all who paid stipend. There was a general cry in Scotland of "Save us from the local Boards." It was universally felt that it was dangerous to trust the ratepayers with the management of the schools, and that to do so would imperil the interests of higher education. It was well known that one-half of the students of the University of Scotland were educated in the parish schools, and it was feared this fortunate state of things would not be maintained if the local Boards assumed the control. Under these circumstances, he proposed that the present board of heritors should be continued, but that there should be an addition made to their number. It would be said the Bill did not destroy the parish schools, because there would be a school in every parish. This was so, but they would not be the same schools. The controlling body would be elected by £4 householders; the funds at present at command would no longer exist; the teachers would no longer have a life interest in their appointments, and the advantages resulting from the fact that the teacher held a freehold in his office would not continue; the teachers would not act subject to any regulations such as those made by the heritors; the highest branches of education would not be taught; and he feared religious disputes would be frequent in school boards. These were the objections to the Bill; and he asked that, to prevent the evil consequences which he had described, school boards should be established in those places only where they were proved to be necessary. If his Amendment did not express that, he would gladly assent to its being amended.

Amendment proposed, in page 3, line 10, to leave out the words "parish and."
—(Mr. Gordon.)

Question proposed, "That the words proposed to be left out stand part of the Clause."

MR. BAILLIE COCHRANE said, he hoped, in considering this question, the

Committee would not forget what the parish schools had done for Scotland. They had proved eminently successful, and had raised the character of Scotch education, and made it known throughout the world. What were they now asked to do? Nothing short of this—to destroy an old and successful system. He could speak from experience, that the parish schools of Scotland had solved the religious difficulty. They would find within the walls of those schools Roman Catholics, members of the Free Church, and the United Presbyterians. They were now, in effect, asked to sow religious difficulties in the schools of Scotland, in which it did not now exist. Under the Act there must be in twelve months a school board elected for every parish in Scotland. Why, the fact was they had already school boards in most of the parishes; they had the heritors and the minister as a board—"Hear, hear!"—and under their management an admirable school in each parish. But the proposal in the Bill was to overthrow that which had admittedly worked well. He did not look so much to the higher kind of education; but he held that they ought to give every child an opportunity of obtaining moral and religious instruction. That the existing system had hitherto done, and he trusted nothing would be done to disturb it. If they did, he feared they would create discontent in the minds of the people of Scotland.

MR. M'LAREN was strongly of opinion that the adoption of the Amendment of the hon. and learned Gentleman the Member for the University of Glasgow (Mr. Gordon) would inflict a great blow upon the Bill. The Amendment was, in fact, a new Bill, and a new Bill of a most objectionable character. It was quite true, as had been said by his hon. Friend who had just sat down (Mr. Baillie Cochrane), that there was at this moment a school board in every parish in Scotland. That very fact struck at the argument of the hon. and learned Gentleman, whose objection was that under the Bill a school board would be established in every parish. There was a school board now; but the question was, whether that school board should not be enlarged and liberalized, or whether it should be confined to the heritors and ministers. Why should not an enlarged constituency provide a better

board? For his part, he could not see why the schools could not be in all cases as well, and in many cases better, managed under the boards provided by the Bill than under the existing system; and therefore the words "destroy the parish schools" and "sacrifice the parochial system," which had been so freely used, were altogether inapplicable. He thought the actual result would be analogous to what had taken place under the Scotch Reform Act of 1832. Before that measure, 2,800 freeholders returned 30 Members of Parliament. There were now 70,000 electors—but had the character of the representation deteriorated? He thought just the contrary. The original law of Scotland was that every heritor, great and small, was a manager of his school, and it was not until 1803 that the number was restricted by a fictitious valuation of £100 Scots, and thus the small heritors were deprived of their hereditary right. What it was now asked to do was to reverse that process to give to the small as well as to the great the right of becoming electors and managers. Moreover, they should remember that the great owner, although he might pay the assessment in the first instance, deducted one-half of it from the tenant, and therefore the tenant, paying virtually one-half of the assessment, had an equal right to become an elector as the landlord. Was it, he asked, consistent with the ends of justice that those who paid one-half should have no voice in the election of the board of management of the schools? And when they were going to lay on an additional charge on every kind of property in a parish, surely they had a right to liberalize the board, and by so doing to satisfy the demands of the people of Scotland. The hon. and learned Gentleman (Mr. Gordon) had offered some calculations as to the expenses that would be imposed for working the Bill. But he (Mr. McLaren) said that the question of assessment was very little understood. He believed it would be very small in amount, and would nevertheless secure an excellent system of education throughout the country. As to the £50,000 now raised under the assessment of 1696 from the heritors, he thought that should be allowed to stand until the rate came to more than that amount. He believed that the average sum to be provided by the rates would not be more than 8s. or

Mr. McLaren

10s. a-head. That, he believed, would be a fair average sum, although in some cases the rate would amount to 1s. in the pound instead of 2½d.; but whatever the cost might be, of this he was sure—that the people of Scotland had made up their minds in favour of the Bill, and especially of this—that the parish schools should not be disunited from the board schools.

MR. C. DALRYMPLE said, he thought that, as a rule, in the country districts of Scotland there was no deficiency of schools, and all that was wanted was a compulsory clause, which should not be a "sham," but a reality. For the burghs, school boards might be admirable; but in the rural districts there was little or no demand for them, and he even doubted whether the materials for electing them existed in many such places. There was great danger in intrusting the interests of education to the control of local Boards of imperfectly educated people. Whatever might be said as to the deficiency of schools in some parts of Scotland, unquestionably there was no such deficiency in country districts—all that was really required in such places was a compulsory clause. He was anxious to point out to the English Members that in the event of local Boards being appointed under this Bill for every parish in Scotland, the same principle would be subsequently applied to England, and thus the most valuable principle in the English Act of 1870—that of letting well alone—would be set aside. The great evil from which Scotland was likely to suffer under this Bill was the sacrifice of everything to symmetrical arrangement. It might save trouble to have a local Board in each district; but he was strongly of opinion that in so important a matter as the present, unless they wished for change merely for the sake of change, some regard should be had to the wants and circumstances and condition of each parish. As he had said, the proposed arrangement would answer for burghs, and he hoped to see it carried out there; but he thought that the Scotch Education Department, or the Commissioners who might be appointed, might look into the condition of the parishes with a view to supplying any deficiency that might be found to exist. By some such means it would be practicable to do all that was required to meet existing necessities, and the establish-

ment of the universal system of school boards need not be enforced.

SIR EDWARD COLEBROOKE observed that there was one point on which he was disposed to agree with his hon. and learned Friend opposite (Mr. Gordon), and that was as to the anxiety which existed on the subject of the constitution of the future Board throughout Scotland. That feeling prevailed, too, in that House; and it was not confined to hon. Gentlemen who held Conservative opinions. He admitted that the proposal of the Government to place the management of the parochial school in the hands of an elective board would place the schoolmaster in an uncertain position; and in some places, no doubt, local and religious feeling would be mixed up in their elections. These and other difficulties had to be contended with, and the question was how far the Bill provided a remedy. He was not behind any Member of the House in his desire to reform the present school system, and, in proof, he placed Notices of several Amendments on the Paper which he trusted would have the effect of putting both the managers and schoolmasters on a more satisfactory footing. Other points required attention—such as the arrangement of the religious difficulty, and a more efficient system of instruction. Again, the pecuniary demands upon the people would be heavy, and it was necessary that the assessment should be made upon the present value of property, and not according to the inadequate valuation made more than a century ago; and this was a further reason for improved administration, and for giving the taxpayers a voice in the management of that for which they paid. It was, he thought, imperative upon the Government and the House that they should take these matters into their serious consideration. The only question in his mind was whether they should be dealt with in the manner suggested three years ago, or in the way proposed by the Bill before the Committee. Whilst doing full justice to the active part which the ministers of the Church of Scotland had taken in the management of the schools, it was impossible to deny that they had acted with a natural bias; and, as he considered that the Government had treated this question not only in conformity with the desires of the people of the country,

but in the only way in which it could be dealt with, he cheerfully gave his support to this provision of the Bill.

MR. ORR-EWING said, that after the speech of the hon. Baronet (Sir Edward Colebrooke) one would have thought that he would have supported the Amendment. Certainly, he (Mr. Orr-Ewing) coincided in everything he said in behalf of the parochial schools, and acknowledged that the great majority of them were well worked, though he himself had had experience of most inefficient teachers, of whom it was impossible to get rid. Most Members of the House—especially those of the Opposition—would willingly join in any effort to reform the existing system of parochial schools; but the arguments adduced went rather in favour of the present system. The hon. Member for Edinburgh (Mr. M'Laren) had truly said that there was already a school board in every parish in Scotland. It was true that it was not elected; but still it had worked satisfactorily. It was in accordance with the spirit of the age that those who bore the burden of taxation for the support of the schools should have a share in the management, and he (Mr. Orr-Ewing) contended that it was far more reasonable to liberalize and open up the existing system than to seek its complete overthrow. But the hon. Member for Edinburgh said—"No; we prefer to have an elected board, because it will do its duties much better than the present close board." But the Report of the Assistant Commissioners on Education afforded the strongest evidence to the contrary, and showed that the system of management by a board of heritors was efficient, while such a system as that proposed under the Bill would prove inefficient. Whether the Lord Advocate really believed that by this Bill a more efficient board of management would be established, for his (Mr. Orr-Ewing's) part he believed that the working classes of Scotland were not aware that the Bill proposed to tax them at all. He had talked to many workmen on the subject, and he found that they were surprised to be told that they would have to pay 6*d.* in the pound; yet the hon. Member for Edinburgh, who was a great authority on figures, stated that the rate would not be 6*d.* but 1*s.* in the pound. Now, was it right and proper that they should tax a poor man, who was

heavily enough burdened already to educate his own children, in order that he might contribute towards the education of the children of others? When the working classes of Scotland discovered that they would be assessed to the extent of 1s. in the pound, they would not thank the Government for this Bill. He hoped the Lord Advocate would agree to the Amendment of his hon. and learned Friend (Mr. Gordon).

MR. R. W. DUFF said, no one who had lived so long in the rural districts of Scotland as he had would attempt to deny the benefit the parochial schools had been to Scotland, and he quite agreed with the hon. and learned Member for Glasgow University (Mr. Gordon) in the approval he had expressed of them, but the hon. and learned Gentleman ignored the fact that Scotland was not satisfied with the parochial system. He also ignored the fact that the Bill proposed to establish a system of rate-aided schools—the parochial schools were to be handed over to the school boards. Now, it was impossible to maintain a denominational system when the school became the property of the ratepayers of all denominations. They had been told that there were schools in England left out of the Bill, and hon. Gentlemen opposite had invited them to follow the example of that Bill; but if they were so fond of the English Bill, why did they take a course diametrically opposed to it on the subject of religion, as shadowed forth in the Amendment carried by the hon. and learned Gentleman? They opposed our assistance to remove this ecclesiastical barrier in the way of English education, and they had forthwith proceeded to erect that barrier again in their Bill. The right hon. Gentleman the Member for Oxford University (Mr. G. Hardy) who voted against the proposal that the reading of the Bible in schools should be made compulsory, yet voted that religion should be enforced by law in Scotch schools. How they were to teach religion and exclude the Bible he (Mr. Duff) failed to understand. These were the right hon. Gentleman's words—

"There are three parties to be considered—There is the Parent, the State, and the Church. I think the first duty of the State is to instruct in religion as well as in secular knowledge. But having to address a House composed of men of every religious faith, and no longer of that unity which once existed within it, it would be useless

Mr. Orr-Ewing

to insist that they should as a State teach religion, for if they decided to teach such a religion as they could agree to impose, nothing would be more hostile to my view."—[3 *Hansard*, ccii. 519.]

He (Mr. Duff) thought that was a very sensible view, and regretted that the right hon. Member had not adhered to it. He looked on the Amendment as fatal to the Bill, as it re-imposed a denominational system, and hoped the Committee would at once reject it.

THE LORD ADVOCATE said, that he had ventured last night to represent to the Committee that one of the great features of the Bill was that there should be one uniform system of management, applicable without distinction to all public rate-supported schools—to those existing before the Act as well as to those established under the Act. His hon. and learned Friend (Mr. Gordon) had, he hoped, exhausted his vocabulary of phrases in lauding the parish schools of Scotland, for these encomiums had become somewhat wearisome. It was undeniable that amongst the parochial schools there were good, bad, and indifferent. Those which were good were represented by the Royal Commissioners as amounting to about 75 per cent of the whole; but that included all varieties of goodness. Those on the other hand which were bad, were not less than 25 per cent, including all degrees of badness. That, he confessed, was not a state of matters of which to boast. Some of the schools were very excellent, but some of them were discreditably and scandalously bad. With reference to the subject immediately before the House, there were no doubt public rate-supported schools already existing, and the question they had to consider was, whether the management under which they were placed ought to be interfered with. His hon. and learned Friend, in the most argumentative part of his speech, contended that the existing schools should not be disturbed. The Bill certainly proposed to interfere with these schools so far as the management was concerned, and he did not think that the House would agree with his hon. and learned Friend that a body of heritors, with the parish minister, constituted the best board of management for public rate-supported schools. The purpose of the Amendment was two-fold—namely, to exclude the parish schools from the operation of this Bill, and to

provide for the deficiency in the other schools being supplied by denominational effort, and the schools themselves placed under denominational management. According to the conscientious conviction of his hon. and learned Friend, that was the best system of national education which could be established. That, however, was not the view of the Government in presenting this Bill to Parliament. The Government were of opinion that the existing management of the parish schools was unsatisfactory, and they were of opinion that it ought to be reformed by placing them under the same system of management which they proposed for all public rate-supported schools which it should be necessary to establish in order to provide sufficient education in Scotland. In order to provide a sufficient supply of schools for Scotland, it would certainly be necessary to raise the local rates. The Government proceeded upon the view that the people of Scotland were resolved to have a sufficient number of efficient schools for the education of their children. These schools must be maintained from three sources—from money granted by Parliament for national education in Great Britain; from the fees paid by the pupils; and from the produce of local rates. The amount which the local rates would have to contribute must be determined by the amount of money necessary to meet the expenses in excess of what was met by the Parliamentary money and the fees. The people of Scotland were so resolved to have a sufficient number of good, well-taught schools, that they would, he believed, gladly bear the burden of the expenses which were necessary for that purpose. Now, what was the natural system of management for such schools as existed and were to be created? Why, certainly the management of those who contributed to the expenses. The ratepayers would be too large a body to be managers themselves, and therefore they must resort to the expedient of making the ratepayers the constituency to appoint from their own number, or, without limiting them to their own number, to appoint those in whom they had most confidence to make efficient provision for the respective parishes and burghs. His hon. and learned Friend referred to the English Education Act of 1870, and complained that they were departing from

the lines of that Act. Well, then, who were the constituents who elected the managers of the rate-supported schools in England? Why, the ratepayers. The constituents were not confined to landed proprietors who were rated upon a certain rental—generally speaking, a very high rental. Why, he asked, in the language of his hon. and learned Friend, were the people of Scotland not to be trusted to elect good school managers as well as the people of England? Why were they to say to the parents of Scotland—to the parents who had to send their children to the public rate-supported schools of Scotland—"You are not fit to elect school managers. The people of England are, and Parliament has committed to them that duty; but in Scotland we must only look to the heritors—the landed proprietors?" But his hon. and learned Friend said that the principle of the English Bill was not to disturb existing schools, and it was in that particular that he complained that the Government in this Bill had departed from the lines of the English measure. Why—were there any existing public rate-supported schools to disturb? Not one. The English measure proceeded upon the principle of not disturbing schools established and maintained by voluntary effort, and the principle enunciated by the hon. Gentleman to whose speeches his hon. and learned Friend referred about not disturbing existing schools, referred not to existing public rate-supporting schools, for there were none such, but to schools established and maintained by voluntary effort. They had followed the lines of the English Bill in that respect. They did not meddle with any school of the class of which alone there were schools in England at the passing of the Act of 1870. But with respect to existing public rate-supported schools, why was not the Legislature to deal with them as well as with the public rate-supported schools for which it made provision? They were in search of the best system of management. They had existing public rate-supported schools which were not under the best system of management. If they determined that, with respect to the schools to be established under the Act, a popular elected school board was the best system of management, he wanted to know why that principle was not to be applied to the existing schools also.

Why were they to have a dual system of management? Nothing possibly could be more unreasonable or inconvenient, and the Government must therefore adhere to the proposal of the Bill, and reform the management of existing schools in such a way that under the same management they could be able to place all the schools that were to be established under the Bill. It was conceded—indeed, it could not be disputed—that the multitude of schools to be established under the Bill could not be put under the charge of heritors and the parish minister. The management of the heritors and the parish minister, so as to keep the schools still attached to the parish church, could only be maintained by creating a dual system of management—one applicable to the old, and the other to the new schools. The Government knew of no reason for taking such a course except to exempt the existing schools from the operation of the present Act. This was what was called destroying these schools. Why was it destroying them? The Government said that these schools should be maintained as at present, except in so far as they would be improved. They did not think that all the wisdom in a parish in Scotland was in the heritors rated above £100. There were intelligent tenants whether they paid school rates or not. His hon. and learned Friend said that the Government were throwing away the heritors' money which they were paying ungrudgingly and without any grumbling. Well, he (the Lord Advocate) did not know that the heritors of Scotland ever paid any rates ungrudgingly. But in that respect, if they did grudge and grumble a little, they were only like other ratepayers, for one unpleasant circumstance connected with all rates was—that they had to be paid. The Government did not in the least propose to relieve the heritors of the rates which it would be necessary to impose. He thought the heritors contributed to the cause of education in Scotland between £40,000 and £50,000. He did not speak of their voluntary contributions; but they contributed in rates between £40,000 and £50,000 a-year, and half of that sum was payable by their tenants. His own opinion was that it was paid by the tenants—because, whether they paid it directly or not, they were legally liable. From the accidental

The Lord Advocate

circumstance that the valued rent—which was a valuation made some centuries ago—was adopted as the scale of assessment, these rates fell very unequally. The incidence was entirely objectionable, and men, whether proprietors or tenants, did not pay in proportion to the extent and value of their possessions. Now, they should require a much larger rate. £40,000 or £50,000 a-year would not nearly meet the requirements of the Bill, and they could not impose the additional burden upon the valued rent heritors with the present inequality of incidence. But they were not going to make two rates. They were going to make one rate for all the money required for the purposes of the Bill—that was, one rate in each district for so much as was necessary to supply the deficiency arising after the Imperial grant and the fees were applied, and it was proposed to raise that rate by a tax equally imposed upon all landlords and all tenants according to the real value of their possessions. With reference to existing public rate-supported schools, as well as with respect to those which should become so, they proposed that there should be a school board elected in each parish by the inhabitants—namely, by those who were chiefly interested in the matter of education, and they entirely repudiated the object which was proposed to be attained by the Amendment.

LORD GARLIES said, he would not follow the learned Lord in the special pleading of which he had shown himself such a master. He wished simply to remind the Committee that they had been informed by the learned Lord that 75 per cent of the parish schools in Scotland had been reported by the Inspector as good. That being so, he agreed with the hon. Member for Buteshire (Mr. C. Dalrymple) that it would be much better to leave well alone. He believed that the proposal of the Government would only tend to sow discord throughout the greater part of Scotland, as there was no wish there for anything of the kind, since there was a sufficiency of education which would render the new system unnecessary. He trusted that the House would not vote for the proposition of the Government, and that they would consent to leave out the few words proposed by his hon. and learned Friend, believing that the adoption of such a Mo-

tion would be more beneficial to Scotland than if they were allowed to remain in the Bill.

LORD HENRY SCOTT said, he could not accept the statement of the learned Lord Advocate that the parish schools in Scotland were rate-supported schools. In England, wherever you had a rate-founded school, you naturally gave representation to the ratepayers. But the landward schools in Scotland were supported out of the rent-charge upon property of very ancient date, and the burden rested on the owners alone. The heritors had not only assessed themselves, but had also given voluntary subscriptions towards the schools; and therefore to describe those schools as rate-supported schools, as that term was generally understood, was calculated to mislead. The greatest proportion of the money which had made the schools such as they were now, and such as would bear favourable comparison with kindred institutions in any other portion of the United Kingdom, had been contributed by the heritors. If these gentlemen had stuck to the mere duty of providing schools only in so far as they were actually compulsorily demanded to do, would they have been in the satisfactory condition in which they were now, or would the schoolmasters' houses have been as they were? If they had had to be furnished out of absolute necessity, both would have been of a wholly different character. He claimed for the heritors of Scotland, in their position as managers of voluntary schools, as well as of those provided by legal compulsion, the most honourable title. Therefore, to shut them out altogether from the advantages of management would be obviously unfair. It was otherwise in England, where rate-supported schools were to be established only wherever the necessity for them existed. If that principle had been carried out by the learned Lord Advocate, he would not have objected. In the landward parishes in Scotland, the learned Lord Advocate could not say so,—it was contrary to the opinion of the Commissioners—that the schools were not adequate to the wants of the district. The real object of this Bill should be to create better schools in burghs. He (Lord Henry Scott) sympathized with him in that object, and should support him in successfully accomplishing it; but the

learned Lord Advocate had completely shut his eyes to the fact that in the counties the ground was already covered, and the complaint was, that being so, this Bill stepped in and forced on the people a state of things which was not in the slightest degree required. The change proposed by his hon. and learned Friend the Member for the University of Glasgow (Mr. Gordon) was in the right direction, by giving increased representation to those who now contributed to the schools. For that the greatest possible credit was due. It did not differ from the proposal of the Government in 1869; and, besides, it went a good deal farther. They had a right to ask the Government why they had changed their opinion in three years, making compulsory school boards and altering the whole system of rating for schools. His learned Friend conceded what was required in burghs. There was no difference between him and the Lord Advocate on that point. All the difference was, that the landward schools should be supported in the same manner and enlarged in the sphere of representation of the heritors. After all, those on that side of the House had conceded that one-half of the board should be elected by the heritors and the other half by the ratepayers. What could be fairer than that? But the Lord Advocate said—"No; we must sweep away the heritors altogether." Now, was that fair to use them so, after the admirable way in which they had discharged their duties? Were they going to set, up side by side with a school which might be voluntarily supported by the heritors, another that was founded and maintained out of the rates? Was that likely to promote harmony? School boards were not to be compulsorily established in England where they were not required. Why, then, were they to be forced upon Scotland, where there existed a very superior managing body? Were they to treat Scotland on the principle of *Fiat experimentum in corpore vili*? Would the Government like to establish school boards all over Ireland? This was an Imperial question, and not one for Scotland only. Let them not overlook the probable effect of the precedent they proposed to set in the case of Scotland. The opponents of the Bill having met the Government half-way, the latter ought to be prepared to make some concession.

Mr. C. S. PARKER said, it was only due to the heritors to take the opportunity of acknowledging the services which they had rendered to the cause of education. The noble Lord opposite (Lord Henry Scott) had stated truly that the heritors not only paid the money they had inherited as a burden on their property, but supplemented it in such a way as to arouse the gratitude of all interested in this important subject. But he laid too much stress on the fact. The noble Lord was justified in declining to regard the parochial schools of Scotland entirely as rate-supported schools, because part of their funds came from this voluntary source. But some £40,000 or £50,000 of the money contributed by the heritors was public money, and was, in fact, reported by the Commissioners as one of the largest items of assets available for education in Scotland. That fact placed the parochial schools in a different position from any of the schools in England, because there were none there so supported. If this arrangement was to be continued, the noble Lord had not gone beyond what was fair when he asked that there should be some kind of recognition on the part of the Government towards the heritors. What he (Mr. Parker) wished to point out was that there were two totally different ways, in which some concession might be made. The one was that proposed by the right hon. and learned Gentleman opposite (Mr. Gordon), to distinguish between the mode of treating those parish schools and the other public schools throughout the country; the other way would be to include in one system the burgh and parish schools, but to provide that where the funds came from the heritors there should be some recognition of it in the management. There was a growing feeling in Scotland that the money derived from the heritors should not be sacrificed, and that feeling was shared in by both political parties, neither of whom were averse to the heritors being represented in respect of their special contributions. If the ratepayers elected a majority of the managers they would have no objection to let the heritors retain their seats on the board. But the issue placed before the Committee by the present Amendment was whether they should set up a duplicate system—namely, one for the burghs, and another

for the parish schools. While the Conservatives would leave the schools in the hands of the parish ministers and the heritors, the progressive party would not allow any minister to be a manager simply *ex officio*, but would liberalize and enlarge the management.

Mr. NEWDEGATE said, that English Members had a deep interest in the decision of the Committee on this question, because it interfered with the parochial school system of Scotland, which had been avowedly successful. The Lord Advocate pointed to the schools throughout England, and said—"See, we have left you these schools supported by voluntary contributions." But they knew those schools had not been so successful as the Scottish parochial schools. They knew, also, that the system of education in Scotland brought to the schools a larger proportion of children than were brought to the schools in England. He (Mr. Newdegate) remembered that the new President of the Board of Trade had several times intimated that the retention of voluntary schools in England was only a question of time, and that he looked forward to a period when there should be a system of school boards throughout the whole of England. If the Scottish parochial schools were not to be supported—if the system of school boards was to override them—what prospect had they of the continuance of the voluntary system in England? None whatever. And therefore, as an English Member, he deprecated the stern adherence to uniformity which, notwithstanding the acknowledged merits of the Scottish schools—notwithstanding the acknowledgment of the hon. Member for Perth (Mr. C. S. Parker) of the good conduct of the heritors, was intended to sweep away the system on which the parochial schools were built, although the evidence before the House showed it to be one which the people of Scotland clung to and admired. He (Mr. Newdegate) put this to English Members. The Vice President of the Council had taken to himself immense credit for not having swept away the voluntary system. If they passed that clause striking down the Scottish parochial system, did they think that the system in England would remain? It certainly would not. It appeared to him that they were about to break up the best system of education which existed in Great Britain—which

existed in the United Kingdom. And for what reason? To gratify a feeling of small jealousy which wished to establish equality. The Government say—We will have a ratepaying system of school boards. But had they not a ratepaying system in England? Had they not church rates? Was not every ratepayer represented in the vestry? And yet what had been the end of that system? Why, the same jealousy crept up; that system had been swept away, and no provision had been made for the maintenance of the Church. It was simply sacrificed to that small jealousy which would establish equality, and which ended in spoliation. There was another thing to be considered. The heritors of Scotland were men of many different religious persuasions—but they had always maintained a religious education. They knew from the experience of England that religious education was very much put aside in the rate-paying schools—it was not enjoined, it was only permitted; and they knew that there was a constant study in the school boards to get rid of religious teaching altogether. They had that experience before them. He (Mr. Newdegate) rejoiced the House had decided that religion should still form an essential part of the education of Scotland, and in doing so it had represented and reflected the feelings of the Scottish people. But if they swept away from these heritors the control which they had maintained over religious education, and adopted their uniform system of rate-paying schools, they would introduce into the Scottish school system the struggles that were going on in the English boards, and would lay the foundation of disturbing, and, he believed, of destroying that religious education which they had decided ought to be maintained in Scotland.

SIR JAMES ELPHINSTONE also supported the Amendment. He considered that it was a scandalous imputation upon the people of Scotland to say that an Educational Board in that country could not be entrusted with the expenditure of £250,000 a-year, and that it was necessary to delegate the duty to the Privy Council. He should do all in his power to oppose the clause in the Bill and render it nugatory.

MR. GORDON, in replying, said, he objected to the payment made to the

VOL. CCXI. [THIRD SERIES.]

parochial schools under the present system being called a rate, because a rate was a payment made by all classes upon an assessment. It was not a charge upon the proprietors of the land; whereas at present there was always a special charge upon the land for the parochial school whenever it changed hands. The Lord Advocate said that he was sick and tired of hearing so much about the parochial schools. No doubt, when he proposed to destroy them, it was very disagreeable to him to hear so much said in their praise from all sides of the House. Some stress had been laid upon the deficiency in the education in burgh schools; but even in respect to them, although 20 were reported indifferent, only seven were reported bad; while in the country districts the parochial schools were admitted on all hands to be excellent. And those were the schools which were to be destroyed! He recollected that last year two Professors of English Universities and one from a Scotch University urged upon the Vice President of the Council and the Lord Advocate the necessity of proceeding with the greatest caution in reference to these parish schools, and expressed great doubts as to whether the schools which would be established under the new system would equal them, because, as they said, they had never seen them excelled. That was not the opinion of Scotchmen only, but of English Professors, who had no prejudice on the subject. The Lord Advocate was a great master of the use of adjectives, and he said that the system proposed in opposition to the Government scheme was utterly unreasonable and incorrect. If so, his (Mr. Gordon's) excuse was that his Amendment was in the terms of the recommendation of the Commissioners who reported on Scottish Education. But he had a still higher authority under which he could shield himself—namely, the authority of the present Ministry; for in 1869 they produced a Bill which contained provisions with reference to the parish schools, which were almost identical with those he proposed, because they proposed a scheme under which there would be a dual management. [The LORD ADVOCATE said, that they were exempted under that Bill.] He (Mr. Gordon) was under the impression that the dual system was proposed under it, and therefore he considered that he was only following in the footsteps of the

present Ministry when he moved the present Amendment, which he trusted would be accepted by the House.

Question put.

The Committee *divided*:—Ayes 222; Noes 177: Majority 45.

Clause *agreed to*.

House *resumed*.

Committee report Progress; to sit again upon *Thursday*.

BISHOPS RESIGNATION ACT (1889)
PERPETUATION BILL—(*Lords*)—[Bill 137.]

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Gladstone*.)

MR. DICKINSON, in rising to move that the Bill be read a second time this day six months, said, the Bill provided for the case of a Bishop resigning his bishopric, and also of a Bishop who from mental infirmity had become unable to perform the duties of his office. In the case of resignation the Bishop was to receive either a third of his salary or £2,000 a-year; whichever of those sums was the larger. There were 28 Archbishops and Bishops, one of whom received £15,000 a-year, two £10,000, one £8,000, one £7,000, one £5,500, eight £5,000, seven £4,500, and six £4,200 a-year. He apprehended that the same principle was applicable to Bishops as to other officials; and it appeared to him that if they were to have legislation of a permanent character to provide for a Bishop not able to discharge the duties of his office, there ought to be some provision for the purpose of securing that the public should have an efficient person to perform the duties for which that person was paid. There should be some provision that in case of incompetency the Bishop should be made to resign, instead of having it left to his own will and pleasure. He would ask, did it answer to hold out a bribe to an official to induce him to resign? The bribe was insufficient, because the truth was, that persons in office who had attained a considerable age would be rarely found willing to admit that they were incapable of discharging their duties. Another portion of the Bill was also unsound and vicious in principle—he referred to that part which provided that

Mr. Gordon

when a Bishop resigned the successor appointed to him should not receive the whole of the episcopal income fixed for that diocese, but should defray a charge out of that income for the benefit of the late holder of the office. That principle, although it had been acted upon in the Army here and in India was an unsound one. The scheme in the Bill was that, in case of resignation from age or physical or mental infirmity, provision was to be made for the Bishop's successor by paying him £2,000 a-year, or one-third of the income of the retiring Bishop. It was said as a reason for a large allowance to Bishops, that they had great claims upon them for social status, charities, and on other accounts; but there would be all those claims upon the new Bishop with the smaller income; whilst the previous Bishop retiring into private life would have no demands upon him beyond those of an ordinary clergyman. In the case of the retirement of ordinary incumbents of livings there was a different rule to be adopted from that which prevailed in the case of Bishops and Deans. For an ordinary incumbent to retire with an annuity he must have been seven years an incumbent, and, practically, the Bishops had some power to force an incapacitated incumbent to resign. Again, in case any Archbishop of Canterbury became subject to permanent mental infirmity, the new Archbishop would receive only £4,000 a-year, while the committee of the estate of the retiring Archbishop would receive £11,000 as an accumulating fund for the benefit of the family. Surely that would not be just. Bishops had large allowances, and therefore it was in their power to make provision for old age and incapacity. The statute, which had hitherto been only temporary, it was now proposed to make permanent, and therefore it behoved them to see that it was a sound one. He believed that the sound principle was that Bishops, as well as other public servants, when they were unable to perform their duties should be got rid of and other persons appointed in their stead. The public interests required that the country should pay only for work done. Pay and work should be commensurate, and it was no part of the duty of the public to provide in old age for a person who received sufficient pay while he was in the public service to make that provision for himself. He hoped the House would

consider the case of retirements generally. There was a Bill now before the House to increase the superannuation allowances to retiring Colonial Governors. The whole subject should be investigated, for they were now spending to an enormous extent on ineffective services in every Department.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Dickinson.*)

Question proposed, "That the word 'now' stand part of the Question."

MR. GLADSTONE observed that if his hon. Friend objected to the details of the measure the proper place to deal with that measure would be in Committee; or if he thought that the present was not a convenient time to consider those details, then the proper course would be not to move the rejection of the Bill, but simply that it should be a Bill to continue the existing measure for a term of years, instead of making a permanent arrangement. He agreed with his hon. Friend that some of the details now or at a future time might receive further consideration, though he did not agree precisely with all the remarks which had been made. He should also be quite willing either to try to improve the details of the Bill, or, if the hands of Parliament were too full just now, he was perfectly willing to make the present Bill simply one for continuing the existing law for three, five, or seven years. The case of Bishops was not, however, to be dealt with in the lump along with those of Colonial Governors and other Civil servants. It was distinguished by a multitude of specialities from the case of Civil servants, and nothing would be gained by the endeavour to mix together things which were entirely and absolutely heterogeneous. Nor did he agree that a Bishop was to be considered as a person whose duty it was to lay by large sums out of his income with a view to provide for his old age. He believed it was the practice of Bishops to insure their lives, with a view to some provision for their families. But it would not have a good moral effect upon the position or influence of Bishops to set forth on the authority of this House, the doctrine that it was their business to make considerable reservations, independent of a provision for their

families, in order to lay by for themselves in their old age. It was true that no fewer than five cases had been or would have been brought under this Bill had not death supervened; but although it was that accumulation of particular cases which brought home to the mind of Parliament the necessity for a provision of this kind, it was obvious, apart from those cases, that something must be done. The administrative duties of the Bishops had of late years undergone an enormous increase. The episcopal office was now a more laborious one than it used to be; and it must be expected that, if dioceses were to be efficiently administered, cases would from time to time occur in which, through the weight of duty and of years, it would be necessary to provide for the resignations of Bishops. He submitted that there was no necessity for taking the judgment of the House as to whether this Bill should or should not go forward. The only question was whether an attempt should be made to improve its details, or whether its operation should be limited.

MR. KINNAIRD said, he thought that a case had been made out by the hon. Member for Stroud (*Mr. Dickinson*), and that, as the Bill was imperfect, and was admitted to be so by the Prime Minister, it ought not to be pushed on to the detriment of other important measures. He could not conceive why a difference should be made between Bishops and Deans. Was it that Deans consumed more than Bishops? There was no urgent necessity for legislating on the subject. He thought that Bishops, Deans, and Incumbents should all be dealt with in the same manner.

And it being ten minutes before Seven of the clock, the Debate was adjourned till *this day*.

And it being now Seven of the Clock, the House suspended its Sitting.

The House resumed its Sitting at Nine of the Clock.

PARLIAMENT—BUSINESS OF THE HOUSE.—RESOLUTION.

MR. RAIKES rose, pursuant to Notice, to move a series of Resolutions on this subject. The first Resolution was—

"That during those Sittings of the House which are limited as to time no Motion for the Adjourn-

ment of any Debate be put from the Chair within half-an-hour of the time fixed for the conclusion of Opposed Business."

An incident occurred one Wednesday in the month of April last which was a sufficient proof of the necessity of some such rule as that which he was desirous of seeing adopted. On that occasion the House, after full and long debate, was prepared for a division upon the second reading of an important Bill—the Permissive Prohibitory Liquor Bill—when an hon. Member (Sir Frederick W. Heygate) thought fit to move the adjournment of the House at about 25 minutes before six o'clock. The result of that was that a division was necessarily taken on the Question of adjournment, and the very numbers of those who opposed and rejected that Motion constituted the real reason why the adjournment became the inevitable consequence of the Motion being made. That was a practical absurdity the repetition of which ought to be prevented. He wished to see the principle already recognized by the House, in fixing a quarter before six on Wednesday or 10 minutes before seven at Morning Sittings extended, so as to make the limit within which the adjournment might be moved half-an-hour before the time fixed for the conclusion of Opposed Business.

Motion made, and Question proposed,

"That during those Sittings of the House which are limited as to time, no Motion for the Adjournment of any Debate be put from the Chair within half an hour of the time fixed for the conclusion of Opposed Business."—(*Mr. Raikes.*)

MR. GLADSTONE said, all Rules which tended to complicate Parliamentary procedure were not beneficial, and should only be adopted when they could be proved to be effectual for the attainment of the object contemplated. So far as he had observed, the method of adjourning the debate on occasions when their Sittings terminated at a fixed time was not the favourite method of obstructing business. The method much more frequently resorted to was what was known as "talking the measure out." A distinguished Member whom he now had in his mind's eye had vaunted himself for having performed an achievement of that kind in the course of the present Session. This was like a case in which they had two vents open, a

large vent and a small one, and they wanted to keep the vessel watertight. The hon. Member (*Mr. Raikes*) appeared to him to shut the small vent and to leave the large one open. The proposal would not be effective for its purpose, while it tended to complicate the Rules of the House.

MR. DENMAN supported the Resolution. No doubt, on Wednesdays attempts might be made to obstruct Business by talking questions out; but occasionally that process was exhausted, and then the second method was resorted to, of moving the adjournment at an hour when the division must occupy so much time as practically to put an end to the matter in hand. The Resolution would at least destroy that second method of obstruction.

LORD JOHN MANNERS said, he thought they had all experienced the complicated process resorted to on such occasions, under the cover of moving the adjournment of the debate or of the House; and he was of opinion that the proposal of his hon. Friend should be tried as an experiment.

MR. M. CHAMBERS believed in the sincerity of the Members of that House, and had heard an hon. Gentleman opposite move the adjournment of a debate on the ground that there were several Members on their side who wished to speak. It was a very curious thing, that although the Motion for the adjournment of the debate on that occasion was negatived by a very large majority, the result desired by the hon. Member who made the Motion was attained, because before the division was concluded the time had arrived when by the Rules of the House the debate stood adjourned. He was afraid that if the proposal of the hon. Member for Chester (*Mr. Raikes*) were adopted, half-an-hour instead of five or ten minutes would be lost on all occasions when the Rules of the House required a debate to stand adjourned at a particular hour.

LORD ROBERT MONTAGU said, he could scarcely tell from the very lucid speech to which they had just listened which side the hon. and learned Gentleman had taken on this question; but, at all events, he was mistaken in assuming that half-an-hour would be lost on the occasions to which he referred; because that time would be occupied in discussing the subject before the House.

Mr. Raikes

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

LORD ROBERT MONTAGU proceeded to say that if he could see the slightest use in moving the adjournment of a debate within half-an-hour before it would stand adjourned by the Rules of the House, he would be willing to vote against the Amendment. But what was the use of making such a Motion when the event must naturally take place without its being made? It was done merely to evade the inconvenient responsibility of Members. To quote a case in point, he might refer to the Motion made for the adjournment of the debate on the Permissive Bill on a recent Wednesday by an hon. Member below the gangway on the other side of the House, with the sole object of enabling hon. Members to evade committing themselves by voting on the Main Question.

SIR WILFRID LAWSON rose to correct the noble Lord's statement. The Motion for the adjournment of the debate on the occasion to which he referred had been made by the hon. Baronet the Member for Londonderry (Sir Frederick Heygate) who sat immediately behind the noble Lord himself.

SIR HENRY SELWIN-IBBETSON doubted whether it would be advisable to adopt the proposal of the hon. Member for Chester. He thought a question of so great importance as the Business of the House ought to be dealt with as a whole by the Government, instead of being left to the fragmentary fancies—if he might say so—of different Members. If the House dealt with the question of the Business of the House in small scraps, as indicated by the string of Motions relating to that question, they would hopelessly complicate, instead of facilitating, the carrying on of the Business of the country.

MR. A. JOHNSTON said, he thought 40 or 50 Members sitting in the House could deal with this subject quite as well as any Committee sitting up-stairs. The Motion of the hon. Member for Chester (Mr. Raikes) was a small step in the right direction.

MR. BERESFORD HOPE said, after the House had been engaged five hours on one of the most important Bills of the Session, and after a short Recess the

House was necessarily thin. About one-twelfth of its Members were asked to consider the important question of the future conduct of the Business of the House, and he believed that if the propositions on the Paper were adopted to-night, they would not approve themselves to the common sense of hon. Members to-morrow. On those grounds, he should vote against the Motion of the hon. Member for Chester.

MR. CAVENDISH BENTINCK said, the hon. Member for Chester (Mr. Raikes) and the hon. Member opposite (Mr. A. Johnston) were both young Members of the House, and they had fallen into the trap which had been laid for them by the front benches. The hon. Gentleman opposite seemed totally to have forgotten the antecedents of this question. A few years ago the right hon. Member for Buckinghamshire (Mr. Disraeli) devised a plan, by means of a new arrangement of Morning Sittings, for further limiting the opportunities of private Members; but he was not present on this occasion. And the right hon. Gentleman who now led the House followed in the course begun by the right hon. Gentleman the Member for Buckinghamshire. In fact, it was the desire of every Government to limit the rights and privileges of private Members as far as they possibly could. He (Mr. Bentinck) protested against Members of the House getting up one after the other to air their own little crotchets without any attempt to deal with the whole subject in a comprehensive and satisfactory manner. The present Leader of the House moved last Session for a Committee to inquire into this matter. The right hon. Gentleman was able after that by a small majority to take away that constitutional right which every Member had of stating the grievances of his constituents before going into Committee of Supply. The Chancellor of the Exchequer, who represented Her Majesty's Government on the Committee, proposed still further to curtail the rights of independent Members by preventing them from making Motions on going into Supply on Thursdays as well as Mondays. In such circumstances, and with the disastrous Resolution of the right hon. Member for Buckinghamshire in operation, what was to become of the rights of private Members? Her Majesty's Government would have no res-

tive whatever for keeping a House at the Evening Sittings, and without the Government no private Member could do so. Under all the circumstances, and considering the state of the House, he thought it would be improper to come to any determination on the question to-night, and he would, therefore, move the adjournment of the debate.

Motion made, and Question proposed, "That the Debate be now adjourned."
—(*Mr. Cavendish Bentinck.*)

MR. GLADSTONE wished to show how the course of Business since 9 o'clock had altered the position in which the House stood. The hon. Member for Chester (Mr. Raikes) made a very brief speech—two or three remarks merely—in support of his Motion. When the hon. Member sat down he (Mr. Gladstone) did not rise at once. He thought it his duty to wait until the subject had been discussed; but as no hon. Gentleman offered to address the House, when the Speaker was about to put the Question, he rose and made one or two observations. When he sat down various Members addressed the House, and a great many new points were raised. In the meantime, there was no one on the part of the Government to discharge the duty of speaking to those new points until he was rescued from his difficulty by the Motion of the hon. Member who had just sat down. It was obvious that the Motion of the hon. Member for Chester could not be adopted, and what was really wanted was a preliminary conversational discussion upon each of the propositions which had been placed upon the Paper, which could not be dealt with in set speeches, as the points involved were of a comparatively minute order, and could better be dealt with by a Committee than by the House itself. He had already pointed out that the Motion for adjournment was only one of the methods adopted for obstructing business, and did not touch the chief method. A large portion of the business of Morning Sittings, indeed, nearly all of it which was Government Business, was conducted in Committee; but the Motion of the hon. Member did not touch Committees at all. The analogous Motion in Committees to the Motion for the adjournment of the debate was the Motion to report Progress, or that the Chairman do leave the Chair. The Motion of the

Mr. Cavendish Bentinck

hon. Member, therefore, did not touch the peccant part of the proceedings, if there was a peccant part. But the fundamental objection to the Motion was that it assumed that all Motions for adjournment were necessarily factious, which was not the case; and if they were, the only result of carrying this proposal would be that a factious opponent would make his Motion a little earlier, and therefore cut off a little more of the time at the disposal of the House. But there were occasions where a minority were justified in pressing for an adjournment, or where an adjournment was wished for on both sides of the House; but if this Motion were carried—they would be placed in this preposterous position—that where every man in the House wished for an adjournment it would be impossible to adjourn.

MR. CLAY remarked that it had been felt that the Business of the House had outgrown its forms, and the various Motions which hon. Members proposed to make on the subject must be taken as evidence of an earnest desire for a more practical discharge of Public Business. That being so, it would be rather hard if the discussion was not allowed to proceed, especially as the House was getting more and more full. The Prime Minister had spoken of a Committee as the best place for this discussion, and if the right hon. Gentleman would reappoint one, he would be perfectly content.

LORD JOHN MANNERS pointed out that to refer these questions to a Committee would be nothing more than proceeding in a vicious circle. When the Committee which sat before had reported in favour of certain Resolutions and the subject was brought before the House, when one of those Resolutions was adopted, the Government found that there was so much dispute about the others that they dropped them like a hot potato. And now it was suggested that another Committee should be appointed. But if that were done, any Resolutions that the Committee might adopt would come back to the House, where the greatest opposition would be offered to them; the same forms would be gone through as before, and the Resolutions would be suffered to drop. Only part of the proposal of the hon. Member for Chester (Mr. Raikes) was being discussed; but the very next branch of that proposal would, if adopted,

remove some of the objections which had been urged. The former discussion upon the Government proposals had been suddenly terminated, and therefore hon. Members had a right to express their opinions upon the present occasion; and he should have thought that his hon. Friends the Members for Whitehaven and the University of Cambridge would have sustained, instead of attempting to stop this discussion. Their having been for five hours engaged in discussing the Scotch Education Bill was surely no reason why they should not now go on with the present discussion. If that were so, it would be better that there should be an end to the 9 o'clock Sittings altogether. He was surprised that hon. Members who pretended to be vindicators of the rights of private Members should place the matter upon such a footing.

MR. BERESFORD HOPE did not complain of the 2 o'clock Sittings, but contended that after a five hours' debate on an important Government question, the House was by physical laws incapacitated at 9 o'clock from entering into other questions as important. The question was not one between the privileges of private Members or of the Government. The plain common sense was that the House was now neither in numbers, in good humour, nor in serious attention to business capable of discussing the matter before it. Such a subject should be the first Business of the night. The Government ought to give a night for it, and was seriously to blame for the burlesque of to-night through having tried to cram into one Session this and other subjects which there was no time properly to discuss. With a view to the dignity of the House, and in order that their proceedings might be wisely regulated by some of their best heads, and in an ample House, he should support the Motion of the hon. Member for Whitehaven (Mr. C. Bentinck) for the adjournment of the debate.

MR. WHALLEY said, he thought that the House violated all the principles of common sense, and all the rules for transacting Business by the way in which important matters were disposed of after 12 o'clock at night. This arose not from their being overcharged with work; it was only an attempt to prevent the action of independent Members. The system of sitting after 12 o'clock at

night was framed for the deliberate purpose of carrying out, in spite of the House of Commons, the policy, good, bad, or indifferent, of the Government. Under such circumstances, it was impossible for independent Members to discharge their duty to their constituents. Those who remained after 12 at night were mainly the followers of the Government, or those who had particular interest in some of the Orders of the Day; and the system had never been so illustrated as it had been since the present head of the Government had been in office. No proper reports of their proceedings after 12 at night, were published; and he had intended to move that the editor of one of the journals—say, *The Times*—should be called to the Bar of the House, because they at that late hour gave what was practically a false report of the proceedings of the House. What was stated was that “the other Orders were disposed of.” They knew how admirably the gentlemen of the Gallery discharged their duties; they were not responsible; but still the most important questions were raised, discussed, and decided at those hours when either those gentlemen were away, or when what took place could not be reported. When it was said—“the other Orders of the Day were disposed of,” it was deceiving the public. If the newspapers were to say that they could give no report, that would be intelligible. Nothing could be more unconstitutional or inexpedient than their way of doing Business at late hours; and as to the supposition that their legislation, under these circumstances, represented the House of Commons, nothing short of the terms “fraudulent” and “false pretences” could characterize it. The debate had better be adjourned to enable the Government to take the subject into their consideration, and then appoint a time for its consideration when it could be properly discussed.

COLONEL WILSON - PATTEN said, the House had drifted into a discussion of the subject from not attending to the Rules of the House for the transaction of ordinary Business. The present discussion was in some degree to be attributable to the conduct of the Chancellor of the Exchequer in this matter. The right hon. Gentleman as Chairman of the Committee which had charge of the Report, brought forward one of the Re-

solutions adopted by that Committee for expediting the Business of the Government; but from that time to this they had never heard one word of the other Resolutions that were agreed to by the Committee, and he suggested that it would be far better for the right hon. Gentleman to bring forward the remainder of the Resolutions, and for the House to discuss them, instead of debating the numerous Motions on the subject that were on the Notice Paper for that night, and also on the Order Book for discussion on some future occasion.

MR. ANDERSON remarked that the fact of these Motions having been placed on the Paper was sufficient to show that the recommendations of the Committee were deemed insufficient, and no wonder they were so, considering how the Committee was constituted. It was a mistake to suppose that Members who had not sat in the House for 20 Sessions were incompetent to give an opinion on the question, especially when it was remembered that the older Members had gained their experience under a state of things which had been entirely changed by the adoption of household suffrage. He, therefore, hoped that if the matter were again referred to a Committee it would not be to the old one.

SIR HENRY SELWIN-IBBETSON said, he thought the right course would have been to have had another Committee to go fully into the whole of that subject of the Business of the House, as was originally proposed at the beginning of the Session by the Government. He hoped that discussion might result in a real effort being made by the House to grapple with the difficulty which was growing upon them every day, and which could only be fairly and satisfactorily met by their having a complete scheme before them, instead of a series of isolated and fragmentary proposals.

MR. MONK said, he should not have pressed his own Motion relating to the Business of the House if the Government had persevered in their proposal to appoint another Committee on that whole subject. Many of the Motions standing on the Notice Paper for that and subsequent nights in reference to this question had never been brought before the Committee of last year, or considered by any previous Committee on the Business of the House. The

present Motion for the adjournment of the debate was one really in derogation of the rights of private Members, and he hoped that the House would reject it.

MR. DENMAN looked upon what had passed that night as clearly proving that the proposal made at the commencement of the Session by the Government to send that entire matter before a new Committee was a right one, and that it was unfortunate they should have abandoned it at the suggestion of the right hon. Member for Buckinghamshire (Mr. Disraeli). Notices had been given of very considerable importance, which had never practically been considered by any Select Committee, and he rather thought this was one.

MR. J. LOWTHER ascribed the whole of the difficulty in which they were placed to the extraordinary conduct adopted on that matter by the Government. That movement for the alteration of the Rules of the House had proceeded from the mistaken notion that what was required was more legislation at the hands of Parliament. For the last 40 years, however, the great curse of the country had been not a want, but a surfeit of legislation. The Committee which had sat upon this subject last year might with advantage be re-appointed, in order to more fully consider the whole matter; but he trusted the House would hesitate before it allowed this great question to be dealt with in the piecemeal manner in which it was proposed to trifle with it that night. He hoped the hon. Member (Mr. C. Bentinck) would save the House the trouble of dividing by withdrawing his Motion.

MR. R. N. FOWLER said, he thought the present Rules of the House with regard to Public Business worked very well indeed. It had been urged as a reason for not taking Opposed Business after 12 o'clock at night that the speeches of hon. Members were not reported in the newspapers; but he regarded that as an additional reason why Public Business ought to be proceeded with after that hour, because hon. Members would then make speeches to convince the House, instead of to be read by their constituents. He did not approve the Report of the Committee which sat last year to consider this question, because it appeared to him to be made in the interest of the Government and against that of private Members.

Colonel Wilson-Patten

MR. RYLANDS said, he thought it desirable that the whole question should be re-considered by a fairly constituted Committee.

COLONEL WILSON-PATTEN submitted that the recommendations of the Committee ought to be considered by the House; and, if they were not adopted, he thought another Committee should be appointed.

MR. LIDDELL said, his experience was that there was always more talking in the Morning and less work in the Evening Sitzings. There was no occasion for appointing a Committee on the subject, because there was no information required respecting the conduct of the Business of the House. If the questions were relegated to a Committee, the Report of that body would find them just where they stood at present.

MR. OSBORNE MORGAN, as an instance of obstruction and delay, said, he had a Bill of his own in Committee on the 20th February, and where it was on that date it stood precisely now. The Government not only possessed the initiative of legislation, but also a power of putting a veto on everything that came up from independent Members, as was witnessed in the progress or want of progress of the University Tests (Dublin) Bill. In his opinion, it was not unreasonable to ask that private Members should be allowed the opportunity of carrying through measures of which they had a special knowledge.

SIR PATRICK O'BRIEN said, he thought the great fault was with those hon. Members who wanted to ventilate their own opinions, and were much charmed with their peculiar powers of expression. He suggested that the progress of the Business of the House would be greatly facilitated if a rule were adopted that, except in the case of a Minister of the Crown or of an independent Member introducing a question necessarily involving a long statement of facts, the speeches of Members were limited to half-an-hour.

MR. SCOURFIELD remarked that the whole question resolved itself into whether the House meant business or whether they merely meant to let off their superfluous steam. Until that cardinal point was settled they might appoint 50 Committees without any result.

MR. RAIKES said, he could not accept the proposition for adjournment. The

Motions which he and other hon. Members had put upon the Paper were intended as Amendments to the Resolutions to be moved by the Chancellor of the Exchequer; but no opportunity for their discussion was given. There had been a general expression of opinion that the old Committee should not be re-appointed, but that a new one should be named; and unless the Government gave a promise that should be done, or that a night should be given for the discussion of the Resolutions now on the Paper, he should take the sense of the House upon his Resolution, in order that hon. Members who came after him might be in no way prejudiced.

MR. VANCE said, that the Government had brought forward one or two of the Resolutions of the Committee which assisted them in the conduct of their own Business, but they had neglected all the other recommendations. He thought it the duty of the Government to bring the other recommendations of the Committee before the House; and, unless they undertook to do so, he should support the Motion for the adjournment of the debate.

MR. DALGLISH observed that it was quite evident when the Committee met that there were certain Members of it who were determined to carry out their pre-conceived opinions. He would suggest, as one way of getting out of the difficulty, that the Speaker should, in consultation with the Clerk at the Table, produce some programme for facilitating the transaction of Business, that this programme should next year be submitted to the House, and the whole or such portions of it adopted as might seem desirable.

THE CHANCELLOR OF THE EXCHEQUER said, that the Select Committee of last year was composed of Gentlemen of great experience and knowledge who were most entitled, on the whole, to the consideration of the House. They paid great attention to the subject, and made several recommendations. The Government considered those recommendations, and selected four or five which they proposed to the House, every one of which was in accordance with the evidence of the late Speaker and of their most able and experienced Clerk at the Table. The first step which the Government took this Session was to move that the Committee should be re-appointed to consider

certain other important matters; but hon. Gentlemen of great weight and influence immediately got up and objected, and as no one rose to defend the proposal of the Government, and a great deal of opposition had been given, it was withdrawn. No sooner, however, did that happen than a number of Gentlemen got up and said they were entirely in favour of the proposal of the Government. Then the Government took a contrary course, and brought forward three propositions which the Committee had agreed to. One of these was with regard to the expulsion of Strangers; but the opinion of the House was so unfavourable that the Government withdrew their proposal, and the consequence was that on an occasion when most hon. Members regretted it—the debate on the Civil List—Strangers were taken notice of, and the reporters were obliged to withdraw. The second Resolution, with regard to Supply, was carried; but the third, which was entirely for the benefit of private Members, giving them time to assemble at the Evening Sittings, was for some reason or other refused. The Government, therefore, did not think it necessary to go further with the question. Of course, it would be easy enough to appoint another Committee; but until the House made up its mind that it could select a Committee to whose opinions it would be prepared to adhere, it would be a mere waste of time to appoint one. The recommendations of the Committee in this instance did not seem to have had much influence with the House, though they were made by men of experience and authority. The Rule as to Opposed Business after half-past 12 had been adopted, but that was supported by independent authority. As to the Business now before the House, it was quite evident that the House was not prepared to go into the question. He thought, therefore, that the hon. Member for Whitehaven (Mr. C. Bentinck) was right in advising the adjournment of the debate until the House had made up its mind, and he should, therefore, certainly vote for the adjournment.

Question put.

The House divided:—Ayes 90; Noes 63: Majority 27.

Debate adjourned till Tuesday 18th June.

The Chancellor of the Exchequer

PARLIAMENT—BUSINESS OF THE
HOUSE — CONSOLIDATION STATUTES.
RESOLUTION.

LORD ROBERT MONTAGU wished to know what course the Government intended to adopt with regard to the various Resolutions on the Paper affecting the Business of the House? Would they appoint a Committee, or would they consider the whole subject themselves, and make a proposal to the House upon it? As the Government did not seem inclined to give him an answer, he would move the Resolution which stood on the Paper in his name. Although he agreed with a previous speaker, that it might not be wise to expedite legislative business and promote changes in the law, yet he thought that there could be no difference of opinion with regard to the object of this Motion—namely, to facilitate the passage of Consolidation Bills and to promote the consolidation of the law. A consolidated law was merely an authoritative declaration of the existing law upon any subject. It was true that the existing statutes were contradictory; it was therefore necessary, in every Consolidation Bill, to take only one member of those opposites. As the Standing Orders then were, one of two things always happened—either a Consolidating and Amending Bill was introduced, and it then consisted of some 500 pages, like the Merchant Shipping Bill, and was introduced Session after Session, and always lay like a log in the way, to be ultimately withdrawn; or else, a Bill was introduced with the sole object of amending the existing law, and then the Members of the House who desired to vote intelligently, had to thumb some 20 or 30 conflicting Acts of Parliament, and study until they could make up their minds what was the existing law on the subject. Such Bills were always unduly hindered, or else were passed in ignorance. The Sanitary Bill of this year was an example of that kind. If the present Motion became a Standing Order, the draftsman would in future have to write his Bill with a pair of scissors, choosing out such clauses of existing Acts as he thought proper, and writing between them, in red ink, whatever he thought necessary to explain or amalgamate them. Such a Consolidation Bill could then not be delayed at the second reading, nor on going into

Committee; and it would pass rapidly through Committee, as the only Amendments permitted would be to insert, or else substitute, some clauses of existing Acts which the draftsman had thought better to omit. The amending Bill could then be brought in during the same Session, and the House could easily legislate intelligently upon it.

Motion made, and Question proposed,

"That whenever a Bill for the consolidation of existing Statutes, and containing only Clauses of Acts in force, be on its passage through the House, no Amendment shall be moved at any of its stages except in Committee; and the only Amendments which may then be moved shall be to insert other Clauses of any Acts in force on the same subject, and verbal Amendments rendered necessary by the amalgamation of the Clauses of different Acts."—(*Lord Robert Montagu.*)

MR. NEWDEGATE believed that the House would not adopt such a Resolution, as by so doing they would simply express distrust of themselves.

MR. HENLEY said, he thought that if they adopted the Resolution they would unwisely tie up their hands; and he believed that all attempts to fetter the free action of the House were mischievous, and such a Resolution would be simply making a general law to meet a particular case.

LORD ROBERT MONTAGU consented to withdraw the Motion.

COLONEL WILSON - PATTEN said, that, in his opinion, this question as to the Business of the House was in an unsatisfactory position. He believed that Business might be very much facilitated by proper regulations; and he thought that the recommendations to the Committee should have been discussed. If the Government did not adopt some course, it should surely be open to private Members to do so.

MR. GLADSTONE said, that four of the recommendations of the Committee had already been considered by the House, and there was one which it would be obviously improper for the House to consider, because it dealt with the discretion of Ministers and the Prerogative of the Crown; he referred to the proposal to call Parliament together in November, a proposal to which he was very favourable. The Resolutions which remained were of a secondary character, and if it were thought proper they should be considered with any new suggestions by a

fresh Committee, it would be necessary at this period of the Session to postpone the appointment of that Committee until next Session.

Motion, by leave, *withdrawn.*

METROPOLIS—QUEEN SQUARE, WESTMINSTER, AND BIRDCAGE WALK.

RESOLUTION.

MR. CAVENDISH BENTINCK rose to move—

"That, in the opinion of this House, it would conduce to the inconvenience of the public if a carriage communication were opened between Queen Square, Westminster, and the Birdcage Walk."

The hon. Gentleman said, he had brought forward the subject on that day week, when the discussion was abruptly cut short by a "count out." His proposal on that former occasion was wider in its scope than the Motion as he now intended to move it. He now limited himself to proposing that a carriage communication should be opened between Queen Square and Birdcage Walk. He would postpone for the present the other part of his original Motion. He hoped the Chief Commissioner of Works would concur in the opinion of his predecessor in office in 1869, and also in the opinion of His Royal Highness the Duke of Cambridge, that the improvement might be effected by private subscription. The hon. Gentleman concluded by moving his Resolution.

Motion made, and Question proposed,

"That, in the opinion of this House, it would conduce to the convenience of the public if a carriage communication were opened between Queen Square, Westminster, and the Birdcage Walk."—(*Mr. Cavendish Bentinck.*)

MR. AYRTON said, he had not been aware that it was the hon. Gentleman's intention to alter the terms of his Resolution in that way. It was highly inconvenient to adopt one section of a plan at one time, and leave the rest of it till a future day. It was a very serious proposal to make a public thoroughfare from Queen Square to St. James's Street, across St. James's Park, as was suggested by the Motion brought forward by the hon. Member last week. When Lord Llanover first suggested that such a communication might be made it was referred to a Select Committee, and the result was that his Lordship withdrew his original proposition, and prepared a

report which condemned the proposal, and which was unanimously adopted by the Committee. From that time to this no one had had the courage to suggest such a scheme to the House of Commons; and furthermore, when Lord Llanover submitted to the House a Vote of money for carrying out a plan interfering with the Park it was rejected by a large majority, and he had to reconsider the proposal he had made. Steps had already been taken by which Members of both Houses of Parliament were enabled to cross the Park from Marlborough Gate to Storey's Gate, and thus to reach Westminster without unnecessary delay, and without impeding the ordinary traffic between Charing Cross and Westminster. The hon. Member, however, proposed to go further, and to enable a public carriage communication to be opened between St. James's Street and Queen Square. If such a communication were to be opened, it would be desirable that it should be by means of a continuation of St. James's Street, through a portion of St. James's Palace, straight across the Park to Queen Square. Were such a road to be on a level with the rest of the Park the enjoyment of the Park by the public would be materially interfered with; if it were carried beneath the Park by means of a tunnel, it would not only be an unpleasant thoroughfare, but it would be very expensive to construct; if it were to run over an embankment the Park would be cut in two by a hideous object, it would be converted into a couple of squares resembling Russell Square, and would be entirely deprived of its present character; and if it were carried over the Park by a handsome and airy viaduct, although the enjoyment of the public would not be interfered with, the cost of such a structure with its approaches, would be nearly £200,000. The first question, therefore, to be decided was, whether the metropolis would undertake the construction of such a structure at such a cost, or whether it was to be made at the expense of the National Exchequer. If once Her Majesty's Government undertook to provide the necessary funds for works which the metropolitan authorities would not construct, pressure would be brought upon them by all the local authorities in the metropolis to execute improvements in other parts

Mr. Ayrton

of London. Of course, Her Majesty's Government had no right to insist upon the Metropolitan Board of Works executing the work in question. All, therefore, that could be done was to make a carriage way for the use of the inhabitants in the immediate neighbourhood of Queen Square. It could not be made a public thoroughfare, because it would only admit one carriage at a time, leaving a very moderate footway for those who had to enter the Park; and as it would be merely a limited local convenience the inhabitants in the immediate neighbourhood who would profit by it had come forward to bear the expense of making it. But while the grand schemes for making a roadway through St. James's Park, of which the hon. Member for Whitehaven and other hon. Members had given Notice, were under consideration, he did not think it would be right for him to carry out the arrangement. On the understanding, however, that none of those schemes were recognized by what might now be done, he was quite willing to carry out the arrangement.

MR. W. H. SMITH said, he was surprised the right hon. Gentleman should have spoken to a Motion which was not before the House. To him it was a most extraordinary thing that a work which had been recognized as an improvement and a necessity, and one moreover which would not have entailed any expense upon the Government, should have been delayed for so long a time as it had. He was glad, however, to learn that the work was at last to be carried out. So far as his constituents were concerned they had great reason to complain of the delay. Whatever might be the view of the question as to the approach from Marlborough House to Birdcage Walk, he hoped the Chief Commissioner of Works would see that no further delay took place in carrying out the plan which he had suggested.

MR. CAVENDISH BENTINCK said, that this Session, at all events, he would not renew his proposition for a carriage way across St. James's Park, and he hoped the desire of the inhabitants in the neighbourhood of Queen Square would be accomplished without further delay.

Question put.

The House divided:—Ayes 43; Noes 55: Majority 12.

DRAINAGE AND IMPROVEMENT OF LANDS (IRELAND) SUPPLEMENTAL BILL.

On Motion of Mr. WILLIAM HENRY GLADSTONE, Bill to confirm Provisional Orders under "The Drainage and Improvement of Lands (Ireland) Act, 1863," and the Acts amending the same, ordered to be brought in by Mr. WILLIAM HENRY GLADSTONE and Mr. BAXTER.

Bill presented, and read the first time. [Bill 185.]

BETTING BILL.

On Motion of Mr. THOMAS HUGHES, Bill to amend the Law relating to Betting, ordered to be brought in by Mr. THOMAS HUGHES, Mr. OSBORNE MORGAN, and Mr. BOWRING.

Bill presented, and read the first time. [Bill 186.]

JURIES BILL.

Select Committee on the Juries Bill to consist of Seventeen Members:—Mr. ATTORNEY GENERAL, Mr. LOPEZ, Mr. ATTORNEY GENERAL for IRELAND, Mr. RAIKES, Mr. JAMES, Mr. KENNAWAY, Mr. WATKIN WILLIAMS, Mr. WILLIAM HENRY SMITH, Mr. LAWRENCE, Mr. AMPHLETT, Mr. FRANK, Mr. FLOTTER, Mr. DENMAN, Sir MICHAEL HICKS-BEACH, Lord GEORGE CAVENTISH, Mr. STRAIGHT, and Sir WILFRED LAWSON:—Five to be the quorum.

House adjourned at Two o'clock.

HOUSE OF COMMONS,

Wednesday, 5th June, 1872.

MINUTES.] — SELECT COMMITTEE — Report —

Trade Partnerships [No. 228].

PUBLIC BILLS—*Second Reading*—Defamation of Private Character * [99]; Queen's Bench (Ireland) Procedure * [126].

Committee—Registration of Borough Voters [15], put off.

Report—Pier and Harbour Orders Confirmation (No. 2) * [158-187].

Withdrawn—Middlesex Registration of Deeds * [52].

REGISTRATION OF BOROUGH VOTERS BILL.—[BILL 18.]

(Mr. Vernon Harcourt, Mr. Whitbread, Sir Charles Dilke, Mr. Collins, Mr. Henry Robert Brand, Mr. Rathbone.)

COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(Mr. Vernon Harcourt.)

MR. MATTHEWS, in rising to move "That this House will, upon this day three months, resolve itself into the said Committee," said, that the Bill proposed

to mix up the municipal registration with the Parliamentary registration, which ought to be kept wholly separate from each other; and that the changes which it was proposed to make in Parliamentary registration by it were such as, in his opinion, would be far from improvements upon the present system, and were not likely to be satisfactory to the country. He would remind the House that under the present system the lists were made up roughly by the overseers, who by means of their intimate acquaintance with the rateable premises in their parish, and with the persons whose names were on the rate books, were well acquainted with the qualifications of the individual voters; and that the present law provided against any mistake being made to the prejudice of the voter, for both these lists and the lists of freemen, which were prepared by the proper corporate officer—the town clerk—were then revised by revising barristers, who were so selected as to be quite free from local prejudice and partiality. Although there might have been instances when the revising barristers had failed in discharging their duties satisfactorily, in the main their work had been admirably performed; and precautions might be taken in future to prevent Judges being influenced in making these appointments rather by kind feeling and friendship than by the fitness of those whom they selected to fill them. But under the Bill the persons selected to prepare the "borough list" might be violent partizans, appointed with the view of giving an unfair advantage to one party over their political adversaries, for the Bill proposed the appointment of a new officer, to be called the registrar, who would supersede the persons on whom at present devolved the making the preparatory list. He would also have to exercise a large share of the appellate and judicial authority at present discharged by the revising barristers. He would be empowered to revise the lists in secret, and he would have to affix to them his own judgment on any point raised with reference to the qualification of the several voters, and besides that he was made objector general and notice server, and taxing master as well. The office was to be filled by the clerk to the guardians, or the clerk to the assessment committee, a man not only unqualified to discharge

the duties, but whose time was already too much occupied to be able properly to undertake and discharge the additional duties it was proposed by the Bill to cast upon him, for the clerk to the Board of Guardians usually had the whole of his time occupied in conducting the business of his office; and even were he to find time to look after his duties as registrar under the Bill, he would be unfitted for the post, in consequence of his want of that individual knowledge of the voters which the overseers now possessed. The Bill went on to direct that the registrars should make up their lists from materials to be furnished them by the overseers, the very persons who it assumed were incompetent to make them up; and the list of lodgers was to be prepared by information collected by letter-carriers and rate collectors, who were, to say the least, wholly irresponsible persons. How would it be possible, for instance, in a borough like Westminster, where there were 3,000 lodger votes on the register for the registrar to ascertain that the lodgers on the existing list were still qualified? When he came to make out the list, or to know who were qualified to be put on the new list, even with the power to be conferred on him of employing letter-carriers and rate collectors to assist him—thus relying on the worst form or hearsay evidence—an immense expense would be inflicted on the borough for a house-to-house visitation to inquire into the lodger claims. If the registrar were a political partizan the lodgers put on the list would, in all probability, be of one complexion of politics; but the practical result would be that the register for the time being would be taken, and all the names he found there would be transferred to the new list without inquiry. Then, the secret powers to be given to him were most objectionable and wholly unprecedented, and were powers that ought only to be exercised by the revising barrister in his revision Court, for here they had an irresponsible officer giving judicial decisions in private, and they were binding unless an appeal be made, and even in that event no costs were to be given against the registrar, however partial or unsatisfactory his decision might have been. On the other hand, no one could appeal to the revising barrister against the registrar's decision without being liable to pay costs

Mr. Matthews

to the registrar, and those costs could be allowed on each ground of objection, so as to swell the expenses to which the objector would be exposed. He believed the real object of the Bill was to substitute the registrar for the revising barrister, and that these discouragements in the way of appeal to the latter were deliberately framed for that purpose; but he doubted whether the House would consent to such a transfer of duties without any security for the fitness of the persons who were to perform them. Again, there was to be no appeal from the revising barrister without giving security for costs, and he might be required to state a case on facts as well as on law. As to the expense of the machinery, overseers and town clerks now supplied preliminary lists gratuitously, though in some cases they were helped by the assistant overseer who was a salaried officer; but under the Bill overseers and town clerks were to be paid for the work, while the registrar was to be paid such sum as the local authorities might think fit, and he was empowered to employ and pay letter-carriers, assistant overseers and others, whose assistance, indeed, he would probably require, especially in the preparation of the lodgers' list. All these expenses were to be charged on the local rates, a fact which he commended to the notice of hon. Members who urged the pressure of local taxation. The Bill also gave large powers to the Home Secretary and the Privy Council to vary the regulations for the conduct of the registrar and to alter the dates of the publication of lists and notices, powers to which he objected, for the provision that that the Orders in Council or the Rules of the Home Secretary should be laid before Parliament was generally a mere form. It might be said that the Bill followed the Report of a Committee of that House; but useful and valuable as that Report might be, it did not hint—at least to any ordinary mind—that judicial powers were to be conferred on the registrar, and the analogy of the Scotch system on which it relied was inadmissible, there being no local official in England of the standing and competency of the valuation assessor in Scotch burghs. The Bill, in short, was an attempt to do that which no machinery was in existence to accomplish. He had received various communications, which

showed that the Bill was viewed with dissatisfaction in English boroughs; and admitting that every person qualified should be placed on the register with as little trouble and expense as possible, he deprecated facilities which would be likely to lead to the registration of unqualified persons. In conclusion, he could not say that the present system was perfect; but he did not think the Bill was the best calculated to introduce effective amendments, and should therefore move the Amendment of which he had given Notice.

SIR CHARLES WINGFIELD said, he must object to judicial powers being conferred on local officials, who were frequently selected for the purpose of promoting party interests. The Select Committee had argued, indeed, that a responsible position would make them superior to party considerations, but he could not concur in that sanguine expectation. At the election of 1868 in his borough, both the late and the present clerk to the guardians were election agents, and though the Bill might prevent such officials from being agents again, how could they be divested of party bias, or how could the opposite party have confidence in their management of the registration? In fact, he was afraid the Bill would make the election of these officials keen political contests, as involving the control of the borough registration, and that it would likewise augment the cost of registration associations, for the preparation of the list by the registrar, as well as its revision by the barrister, would have to be watched over. Were, however, the registrar appointed by the Government at a sufficient salary, and his impartiality as little open to suspicion as the revising barristers, the Bill might be useful, but the expense of an independent officer being deemed too great, he preferred the retention of the present system. It was true overseers and vestry clerks might be partizans, but their powers were limited, and there being several of them they were probably divided in opinion, whereas the registrar would have larger powers and would belong to a particular party. In conclusion, he must say that he would rather see the present law on the subject maintained, than have it amended as it was now proposed, and for that reason, he would second the Amendment.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee,"—(*Mr. Matthews*),—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. VERNON HARCOURT said, that it was a very great satisfaction to him to find that the person by whom the opposition to the Bill was led was a representative of the sister country, although the measure itself only referred to England. He, however, believed that had the hon. and learned Gentleman (*Mr. Matthews*) devoted his attention to the Bill at an earlier stage of its existence he would have avoided misapprehensions both as to the Bill and the existing law, for with regard to clerks to the guardians, they were already the registrars in Ireland, where the hon. and learned Gentleman's denunciations of them would probably excite some surprise. The Bill was based on the Report of a Committee, for which he (*Mr. V. Harcourt*) moved in 1869, and which was agreed to without objection, and that Committee reported unanimously in favour of the scheme proposed by this Bill. In 1870 a Bill was drawn by an able draftsman in accordance with that Report; but it was thought desirable that that Bill should not be proceeded with until people in the country had had an opportunity of expressing their opinion upon it. They were favourable to the Bill, and in 1871 it was read a second time and passed through Committee, and that part of the Bill which the hon. and learned Member had criticized was sifted by the Committee, and was settled by them after a careful discussion. The Bill too had been largely discussed in the country, and he had received numerous deputations from most of the large towns urging him to proceed with it; in fact, only yesterday, the town clerk of Manchester, together with some experienced overseers of Manchester, expressed to him a great desire that the Bill, with some Amendments to be proposed by the hon. Member for Manchester, should pass into a law. They were anxious that it should become law for this reason among others—that

it would greatly diminish the cost of registration in that town, for the present mode of making out borough registration lists were most defective. Take the case of a borough containing 18 or 20 parishes. In every parish there was an overseer, who was nominally responsible for making out preliminary lists of persons in his parish entitled to vote; but as a general rule the overseer took no part in making out the list; he neither directed nor oversaw anything at all in the matter, and knew nothing about it. It was the rate collector that made out the preliminary list after communication with the election agents on both sides. The consequence was that the preliminary list contained the names of many persons who ought not to be in it, and also omitted several who had a right to be inserted in it. Hundreds of objections were then sent in, on the chance that the parties objected to would not attend the revising barrister's Court and support their franchise, and thus numerous good votes were struck off at great expense to the parishes and the county, and vexation to the parties concerned. This Bill would remedy another grievance—namely, that relating to the registration of lodgers in the list of borough voters. He should not be surprised if the House doubted it, but he was informed that the number of lodgers on the register was under 5,000, and from having seen the very small number of lodgers on the register in some places, he believed that was a correct representation. The explanation was, that the overseer did not go about from house to house as the rate collector did, and therefore he did not obtain the names of lodgers who ought to be put on the register; but with a view to afford a remedy, the Bill provided that the registrar might employ postmen who were going about the streets all day long to obtain the names of lodgers entitled to be put on the register. Another object they had in view was to combine the municipal with the parliamentary register. At present everyone knew that the municipal register was a farce, and that no one cared anything about it. But if they could combine the two the result would be that they would obtain at once a good Parliamentary and a good municipal register, and at the same time effect a considerable saving. With reference to the person who should be

chosen to superintend the registration, the Bill proposed that he should be the clerk of the guardians, as was the case in Ireland and in Scotland, in both of which countries the arrangement worked perfectly well. He cared, however, very little what officer was selected for the work, provided that the duties were concentrated in a single person and not divided among a number. Objection had been taken to the powers proposed to be vested in that officer under the Bill, especially to his proposed power of putting lodgers on the register. Well, but was it not universally admitted—indeed, had he not shown it—that the present condition of the lodger franchise was most unsatisfactory, the fact being that the difficulties of getting on the register as a lodger were so great that very few of them were able to avail themselves of that franchise? That was an evil that could only be remedied by appointing an officer, like the registrar, whose duty it should be to put qualified persons on the register as lodgers, and to keep them there so long as they were entitled to remain. He admitted that one of the main objects of the Bill was to get rid of the expensive form of working the registration by registration associations and election agents, and he was convinced that if they could substitute the Scotch for the English system it would be an immense improvement. In regard to the revising barristers, to whom his hon. Friend had referred in such severe terms, he would say that, though he had not a word to say against them, yet it was well known that the greater part of what they had to do was to correct mere clerical errors that had crept into the preliminary list, and that voters were kept hours, and sometimes days, in Court in order to secure that correction and save their vote. The Bill proposed that the registrar should correct such errors, without compelling the voter to go before the revising barrister for the purpose. There was, however, no intention to arm the registrar with judicial powers in the matter, and if any one was aggrieved by his decision he had his appeal to the revising barrister as now. He admitted, with his hon. and learned Friend, that if there was a strong opposition to the Bill, he, as a private Member, and at that period of the Session, could not hope to see it passed; but he would observe that half

Mr. Vernon Harcourt

the time of the House was allotted to private Members, and the question was, could they not make use of it? If private Members were resolved that they never would allow a private Member's Bill to pass, then the time allotted to them was virtually thrown away. He must repeat that the Bill was based on the recommendation of the Select Committee; that it had passed the second reading and gone through Committee last year; that the alterations then made were now found in it, and that the second reading of it this year had been agreed to unanimously; and he did therefore hope that the House would not now refuse even to go into Committee on it, for if they did it would appear to be almost impossible for a private Member ever to hope to pass a Bill.

MR. GOLDNEY said, he thought that the Bill was one that ought to be rejected; and, if so, the sooner it was done the better. He confessed that though his experience had not been small, he was unable to understand the measure, the changes it would introduce being so numerous and intricate. He considered that the overseers now did the work fairly and carefully, and that the clerical errors left by them in the list were few; and he strongly objected to the proposal that the clerk of the assessment committee should have the power of correcting the list—of correcting it when he chose—for it did not appear that he was to be liable to any penalties if he failed to do so. [MR. V. HARCOURT: No, no!] Well, however that might be, another objection to the appointment of that officer for such duties was, that a political aspect would in consequence be imparted to the elections of guardians, which would be most undesirable. It would be much wiser, therefore, for the promoters of the Bill, considering that it was much longer and much more difficult than the Ballot Bill, to admit the hopelessness of their being able to pass it that Session, withdraw it, and bring it forward in an improved form next year.

MR. BRISTOWE said, he highly approved of the new system of lodger franchise, which he would do his utmost to facilitate; but where he disliked the Bill was, that it increased the cost to the ratepayers to a very serious extent. Another objection to the Bill was, that it would reduce the cost of registration to intending candidates. It proposed, too,

to place excessive authority and power in the hands of persons utterly unfit to discharge the duties—not that the registrar would be unfit himself, but that in vast number of cases where they decided objections they would be thought to exercise a political bias. There could be no doubt also that the appeals from the registrar to the revising barrister would become more numerous under its provisions.

MR. PELL said, that if the Bill did get into Committee, the Amendments sure to be proposed would be fatal to it, and, therefore, it would be better for the House, instead of wasting time, to devote itself to some other and better legislation. He should like to know who wanted the Bill. It was true it had been read a second time, but rather in a perfunctory way, and after a statement by the Home Secretary that the Government would support it, provided Amendments were introduced to make it less unacceptable. He hoped, however, they should never come to the time when those Amendments would be moved. If the Bill were carried, the work of registration would be more embarrassed than ever, for the proper officer was empowered to employ assistants, such as the assistant overseers, and the rate collectors, and even to apply to the Post Office for aid. All that varied assistance would only lead to greater embarrassment. This, he thought, was an attempt to legislate for England in the same terms as Scotland, whereas the position of the two countries was entirely different. The effect of the Bill would be to relieve candidates of expenses at the cost of the ratepayers, and the man who claimed the vote and whose business it was to substantiate his claim of the trouble of doing so. In effecting that, however, it should be borne in mind that there was nothing worth having that was not worth taking some trouble about.

MR. RATHBONE said, he thought it a strong argument in favour of the Bill that it would reduce the expenses of candidates, for one of the great dangers of the day was the evil of Plutocracy, and that was a danger which hon. Gentlemen opposite ought to be as anxious to lessen as those on the Ministerial side of the House. The fact was, this Bill had been introduced in consequence of practical evils felt by the electors. In the town which he had the honour to repre-

sent (Liverpool), one of the two parties into which the constituency was divided took, previous to the last election, no fewer than 6,000 objections, principally to the claims of working men, of which only 2,000 could be sustained. Was that a system which could be said to work well, which subjected the electors to such hardships? It was said that the registrar would be a political personage; but that would not be the case, because he was an officer upon whom the eyes of everybody would be fixed, and if he did his work badly it would be known at once by the number of appeals to the revising barrister. In conclusion, he must say he thought that the objections to the Bill were most unsubstantial, and he hoped that the House would assent to the measure being considered in Committee.

MR. WHARTON said, he moved last year in Committee the rejection of the 16th clause, providing for the appointment of a registrar by the corporations, on the ground that he would be a political partizan. To that belief he still adhered. The Bill would increase expense, and on that very ground he was surprised it should have been brought in by an avowed economist like the hon. and learned Member for Oxford (Mr. Harcourt). It was proposed to create double expense, because, in addition to the revising barristers, who by-the-by would be reduced to nonentities, and be paid for doing nothing, there were to be registrars who were to do their work, and there were to be two sets of lists, which at present were not required. In the interests of the ratepayers, therefore, he protested against the Bill.

MR. WHEELHOUSE said, he must contradict the assertion of the hon. and learned Member for Oxford, and must maintain that the Bill was in no sense of the word the Bill of the Committee upstairs, and that many of its provisions were directly in the teeth of the feelings and opinions of that Committee. The moment the measure came down to the House it became, by some mysterious manipulation, utterly changed in its character, with the view of placing in the hands of the Town Council the appointment of an officer who, above all others, ought to be kept utterly independent of municipal feelings or opinions.

MR. HINDE PALMER said, he thought the Bill contained some very im-

portant improvements on the present system, and therefore he was in favour of going into Committee upon it, in order that they might render it as efficient as possible for its objects, and get rid of those provisions which were admittedly objectionable. If it did nothing else, the measure would effect a very large reduction in the expense of registration, which in his mind would be a great advantage to the ratepayers. Under those circumstances, he hoped that the House would never assent to the Amendment of the hon. and learned Member for Dungarvan (Mr. Matthews), which, if carried, would throw out the Bill altogether.

MR. RAIKES said, he was surprised that no Member of the Government had as yet condescended to express his opinion upon the merits of the Bill. He believed that the Government approved of the measure, and he therefore thought that the House ought to have some explanation from the Ministerial Bench as to their views upon a question of considerable importance before they proceeded farther with the Bill. He hoped that if no Member of the Cabinet was present before the close of the debate the House would show its sense of the course pursued by the Government by refusing to go into Committee upon the Bill.

MR. ASSHETON said, they had already been assured that the Bill was not the Bill recommended by the Select Committee which sat to consider the subject, but that it had been altered in many of its material particulars. The present system certainly had this merit—that it suited all boroughs alike, whether they were large or small; and he was convinced that the system which they were now asked to substitute for that would not suit all boroughs. He thought, therefore, that the sooner they got rid of this Bill the better.

MR. WINTERBOTHAM said, he must express his regret that other and important engagements had prevented the Home Secretary, who had been present during the earlier portion of the debate, from remaining and replying to the speech of the hon. and learned Member for Dungarvan (Mr. Matthews); but he believed that he himself could state the position of the Government with some exactitude. The Bill was brought in last year based upon the recommendations of a Select Committee,

Mr. Rathbone

and it received considerable attention at the hands of Her Majesty's Government, so that it was hardly fair to suppose that they had not carefully considered it. He strongly repudiated the notion that a measure of that kind should not be brought in by a private Member of the learning and experience of the hon. and learned Member for Oxford. The Bill had received the approval of the Government, although they reserved to themselves the right of criticizing its details in Committee, and no one could deny that, at all events, many of its proposals were in accordance with the recommendations of the Select Committee. If the hon. and learned Member for Oxford proceeded to a division upon the Bill he (Mr. Winterbotham) would support him.

MR. SCOURFIELD said, that inasmuch as the Government had declined to deal with the question of rating dock-yards in accordance with the hope which they had held out to that effect, on the plea that the whole subject, after the result of the Motion of his hon. Friend the Member for South Devon (Sir Massey Lopes) required consideration, it was scarcely fair that they should accede to any proposal which would have the effect of increasing the burden of local rates.

MR. VERNON HARCOURT said, he wished to save the time of the House, and as he had all along recognized the fact that it would be impossible to carry the Bill unless with the assent of both sides of the House, he should not persist in his attempt to carry it further in the face of the strong opposition which it encountered.

MR. SPEAKER said, that before the Bill could be withdrawn, it was necessary that the Amendment should be withdrawn. Would the hon. and learned Member for Dungarvan consent to withdraw his Amendment?

MR. MATTHEWS said, he thought the most convenient course would be for his Amendment to be carried.

MR. VERNON HARCOURT said, he did not care which way it was.

Question put, and *negatived*.

Words *added*.

Main Question, as amended, put, and *agreed to*.

Committee *put off* for three months.

DEFAMATION OF PRIVATE CHARACTER BILL—[BILL 99.]

(*Mr. Raikes, Mr. Cross, Mr. Denman.*)

SECOND READING.

Order for Second Reading read.

MR. RAIKES, in moving that the Bill be now read a second time, said, the necessity for providing some better protection for private character had only been too largely shown in recent times. He did not wish to refer to any recent incident which had impressed the public with the deficiencies of the law in regard to this matter; but the facts to which he made this passing allusion would be sufficiently fresh in the minds of hon. Members to enable them to appreciate the necessity for providing some more stringent protection against the taking away of private character. The only statutory penalty for a defamatory libel which existed now was one year's imprisonment where the libel was true, and two years' imprisonment where it was not true; in both cases without hard labour. The first object of the present Bill was to accompany those penalties with hard labour at the discretion of the Court before which the offender was convicted. With regard to the even greater offence of endeavouring to practise upon the fears of any person, and to extort money either by the accusation, or by the threat of accusation, of some odious and disgraceful offence, that was at present punished by the very severe penalty of penal servitude for life; but he confessed that, judging from the operation of the law, that penalty did not seem to have a sufficiently deterring effect, and persons had been found willing to run the risk of such a penalty, believing that they were sufficiently protected by the natural fears of their unfortunate victim. Another form of punishment would, perhaps, be more deterrent, and might be tried as an experiment in these particular cases, and he had therefore incorporated in the Bill those clauses which formed the body of an Act passed a few years ago for the better punishment of robbery with violence, and which provided that an offender might be flogged. The House, justly and properly, was always unwilling to resort to severe personal penalties; but it was the law at present that a person who extorted money by the

threat of an abominable charge might, if under 16 years of age, be punished by whipping, and no one would consider that an adult offender preying on society in that way was deserving of a less disgraceful punishment than that applied to a juvenile criminal. He therefore merely proposed by the Bill to extend to any person found guilty of extorting money by threats of accusation the penalty which was now inflicted on young persons who did the same thing. The third feature of the Bill was to subject to these penalties any person found guilty of extorting money by a threat to accuse the chastity of a woman, and whatever might be the opinions of hon. Gentlemen with regard to flogging offenders, there would be little difference on this point—that a man who endeavoured to extort money from a woman's fear by threatening to rob her of that character which was of greater value than anything to her deserved a very severe punishment indeed. But he would ask any hon. Gentleman who objected to the flogging clauses of the Bill not to move the rejection of the measure at this stage, but to move the omission of those clauses in Committee. There was one other point to which he wished to call attention. Many gentlemen interested in the operation of the criminal law had noticed that prosecutions for this class of offences only too frequently failed, or were not brought forward at all, from the natural reluctance of the victim to expose himself to the torture of cross-examination on such matters as those which formed the body of the charge. He would have been glad if he could have embodied in the Bill any proposition which would have exempted the prosecutors in these cases from a torture which was so great as practically to defeat the operation of the law; but he felt that if he did so he should encounter an additional opposition, and he had therefore refrained. At the same time, if any other hon. Member proposed such a clause in Committee it would have his support. Hoping, therefore, that any opposition that might be offered to the Bill would be reserved for the Committee, he would conclude by moving the second reading.

Motion made and Question proposed,
 "That the Bill be now read a second time."—(*Mr. Raikes.*)

Mr. Raikes

SIR WILFRID LAWSON, on behalf of the hon. Member for Leicester (Mr. P. A. Taylor), said, that hon. Gentleman intended to oppose the flogging clauses of the Bill; but he did not know that he entertained any objection to the principle of the measure.

MR. J. LOWTHER said, he trusted the hon. Member for Chester (Mr. Raikes) would withdraw the flogging clause in Committee, or, at all events, that the House would pause before it adopted such sensational legislation. It was thought proper to flog garroters because it was justly considered that acts of brutal violence should receive punishment in kind; but such offences were of a very different kind from those which would come under the Bill. Flogging was a description of punishment which should be reserved for habitual offenders, who were dead to every sort of penalty except that which went home to their physical feelings. By adopting the flogging clauses of the Bill Parliament would run a great chance of brutalizing our criminal code without giving any compensating advantage.

MR. STRAIGHT said, he would also express a hope that the flogging clauses would be withdrawn from the Bill, for he did not see how flogging would be likely to lessen the number of these offences. The other clauses of the Bill were, however, of considerable importance; and, with regard to them, he had often heard the Judges express regret that persons convicted of most objectionable libels could not be sentenced to imprisonment with hard labour. He did not hesitate to say that something ought to be done to prevent the repetition of a class of offences, of which there had lately been an instance in one of the metropolitan police courts; and although the 4th clause might require alteration, he hoped the Bill would be read a second time.

MR. WINTERBOTHAM said, he was unwilling, in the absence of the right hon. Gentleman the Secretary of State, to take upon himself the responsibility of opposing the Bill; but he must reserve liberty to oppose it, if necessary, at a later stage. He agreed in much that had been said by the hon. Member for York (Mr. J. Lowther) with regard to the flogging clauses; and he felt also that there were very grave doubts as to whether the penalty of flogging

was applicable simply as a means of increasing the intensity of punishment. The Preamble declared that the law at present was found to be insufficient; but those clauses materially changed its character. The 4th clause seemed to be open to greater objections than had been stated, because it must be remembered that the analogous crimes for which this punishment was now inflicted were criminal offences.

MR. DENMAN said, that although his name was on the back of the Bill, he must not be held responsible for all it contained. He thought its main principle a very good one, believing that there were certain offences, such as those mentioned in the 4th clause, which at present were not regarded with sufficient severity by the law, and that they were of an analogous character to certain other offences now punished very severely, so that there was no reason why the same punishment should not be applied to the analogous crimes. He did not assent to the principle that the punishment of whipping could only be applied to offences of violence. On the contrary, he thought that the infliction of that punishment for such offences might suggest the idea of *lex talionis*, and he was not sure, when that view was taken, that the brutality they wished to prevent would not be increased. But it was well worthy of the consideration of the House whether whipping might not be advantageously inflicted for offences which were disgraceful, shabby, or morally brutal.

SIR CHARLES ADDERLEY said, he reflected with gratification that he had induced the House to attach the punishment of whipping to garrotting, for he believed that the result had been most satisfactory. What the hon. Gentleman opposite (Mr. Denman) had said as to the fitness of this punishment would not quite serve as its true test, because the law already punished with flogging very different crimes, such as attempts upon the life of the Queen, and also wilful destruction of works of art. In both cases it had been as successful as in the case of garrotting. There were two points to be considered in attaching any punishment to a crime. First, it should be asked whether the punishment was the one most likely to prevent a repetition of the crime; and the general recommendation of flogging was, that

few people were likely to incur that punishment a second time if they could avoid it. It was, moreover, undesirable to multiply needlessly punishments by which a great number of men were maintained at the public expense in prison because they had violated the public interests; and if a more rapid mode of punishment could in every case be found which would be equally effective, great economical advantage would be gained. There was also another consideration as to whether the punishment was suitable to the probable motive of the crime and to the character of the criminal upon whom it was meant to operate; and, in that respect, he would instance the successful manner in which the classes of cases he had before referred to had been treated. A morbid vanity of the lowest description generally led to these crimes, and an equally vulgar castigation by bodily pain was their best deterrent. Whether these rules applied to the offences dealt with by this Bill he had not had time to consider; but he thought the subject might fairly be discussed, and would suggest that the Bill should be considered with the Bill already before the House, proposing to inflict flogging for some other crimes.

MR. J. G. TALBOT said, he was glad it was understood that, by assenting to the second reading, the House did not commit itself to the provisions of the 3rd clause; but, at the same time, he hoped that the hon. Member for Chester (Mr. Raikes) would persevere with that clause providing for flogging, and that he would take the sense of the Committee upon it, for he (Mr. Talbot) was of opinion that if flogging were to be inflicted for any crime it should be inflicted for attempts to extort money by odious accusations. It would be only a permissive penalty, to be inflicted at the discretion of Judges of Assize; and he thought they might trust to the Judges of the land, backed by public opinion, not to inflict the penalty except in extreme cases. He believed, also, that the lower classes would be in favour of this penalty.

Motion agreed to.

Bill read a second time, and *committed for Tuesday 2nd July.*

MIDDLESEX REGISTRATION OF DEEDS
BILL—[BILL 52.]

(Mr. Gregory, Mr. Cubitt, Mr. Goldney.)

SECOND READING.

Order for Second Reading read.

MR. GREGORY, in moving that the Bill be read a second time, said, it was identical with one introduced by him last year for the abolition of the registration of deeds in Middlesex. His Bill was read a second time last year, and there was an express understanding that the Government would bring in a measure on the same subject this Session. Unfortunately, the Government had been unable to redeem this pledge, and he had, therefore, felt it his duty to re-introduce the Bill. Having explained the provisions of the Bill last Session, there was no occasion to repeat them, and he would conclude by moving the second reading of it.

Motion made, and Question proposed, "That the Bill be now read a second time."—(Mr. Gregory.)

MR. M'MAHON said, he strongly objected to the Bill, for the reason that the measure would put an end to a system of registration which had existed in Middlesex since 1709, and had been productive of nothing but good. Soon after its introduction here it was adopted in Yorkshire, and subsequently was extended to Ireland, where the titles of estates would, but for its operation, be far more difficult of investigation than they now were. For the last 10 years a good deal had been heard about Land Transfer Acts, and it was understood that a comprehensive measure would be proposed by the Government next year. He hoped, therefore, the hon. Member would withdraw this Bill and wait to see what were the proposals of the Government.

MR. R. TORRENS said, he would remind the hon. Member who had just sat down, that there was a marked distinction between the system of registration which existed in Middlesex and that existing in Ireland and Scotland. In Ireland and Scotland registration was treated as notice to every person dealing with the land; but that was not the case in Middlesex, the result being that, notwithstanding the most careful search, purchasers and mortgagees there were not protected in their titles. Having

been for many years employed as registrar, he could say that such a system was quite useless, and only added to the cost of conveyancing. He should therefore support the Bill.

MR. A. H. BROWN said, he had in his hand a memorial signed by 209 solicitors in London who deprecated the discontinuance of the registration. He was willing to admit that reforms were necessary, but should certainly oppose abolition. The object should be rather to establish other registries in counties where they did not now exist.

MR. LEEMAN said, he did not think it right that a private Member should bring on a question of this importance, really affecting owners of property not only in Middlesex but in Yorkshire, until the Government had the opportunity of bringing the whole subject before the House and dealing with it generally. He hoped that the hon. proposer of the Bill would withdraw it, and wait for the introduction of a general measure to be brought in by the Government.

MR. F. S. POWELL said, that there was almost a unanimous feeling in Yorkshire in favour of the system of registration; and, in his opinion, an improved system of registration would greatly facilitate the transfer of land. He, therefore, deprecated any measure which would tend to weaken the principle of registration.

MR. DENMAN said, he could testify to the assistance afforded by the Registry of Middlesex in preventing frauds which would otherwise have been triumphant, and in detecting frauds. The Bill, in abolishing that useful system, would also lead to a considerable expenditure of money; and, moreover, its abolition was not in accordance with the intentions of the Commissioners. He also thought the hon. Gentleman who had brought in the Bill must by this time be convinced that it was hopeless to attempt to pass the Bill this Session, and therefore he (Mr. Denman) hoped he would withdraw it, leaving the House to wait for a comprehensive measure on the subject being introduced by either the Government or a private Member. He would move that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the

Question to add the words "upon this day three months."—(*Mr. Denman.*)

Question proposed, "That the word 'now' stand part of the Question."

COLONEL BERESFORD opposed the second reading of the Bill.

MR. COLLINS said, he thought the Bill was devised in the interest of certain professional men; but he was very jealous of anything which would in any shape or form destroy the principle of county registration, and he was in favour of a system of county registration in every part of the United Kingdom. He recommended the promoter of the Bill to study the system in operation in Yorkshire and to endeavour to extend it to all other parts of the kingdom. He objected also to the mode in which retiring allowances were provided for.

THE ATTORNEY GENERAL said, he must oppose the second reading of the Bill on this short ground, that registration was a good thing in itself, but the Bill did not deal with existing abuses. The proper mode of dealing with this question was to keep the good, which was the registration, and get rid of the abuses in the administration of the office. The Bill, moreover, proposed to deal with the question in a crude and unsatisfactory manner, and he would therefore vote against it.

Amendment and Motion, by leave, *withdrawn.*

Bill *withdrawn.*

House adjourned at a quarter
before Six o'clock.

HOUSE OF LORDS,

Thursday, 6th June, 1872.

MINUTES]—SELECT COMMITTEE—Landlord and Tenant (Ireland) Act, 1870, *nominated.*
PUBLIC BILLS—First Reading—Baptismal Fees* (128).

Third Reading—Isle of Man Harbours* (83),
and *passed.*

TREATY OF WASHINGTON. TRIBUNAL OF ARBITRATION (GENEVA). THE INDIRECT CLAIMS.

MOTION FOR AN ADDRESS TO HER
MAJESTY.

ADJOURNED DEBATE RESUMED.

THE EARL OF DERBY: My Lords, before the Order of the Day is called on, I may be allowed to trespass on your Lordships' attention for one moment. I have received, since the debate of the night before last, a letter from my right hon. Friend Sir Stafford Northcote, one of the Commissioners who negotiated the Treaty of Washington, which, as it involves a matter of personal explanation respecting a statement which had been made by him and referred to in this House, I have been requested to read to your Lordships. It is as follows:—

"86, Harley Street, W., June 5, 1872.

"Dear Lord Derby,—I observe that in your speech in the House of Lords last night you referred to a recent statement of mine with regard to the negotiations at Washington in a manner which shows me that you, as well as many other persons, have misunderstood my meaning.

"It has been supposed—and you seem to have supposed—that I said that an understanding existed between the British and the American negotiators that the claims for Indirect Losses should not be brought forward; and it has been inferred from this that we, relying upon that understanding, were less careful in framing the Treaty than we should otherwise have been.

"This is incorrect. What I said was, that we had represented to our Government that we understood a promise to have been given that no claims for Indirect Losses should be brought forward. In so saying, I referred to the statement voluntarily and formally made by the American Commissioners at the opening of the Conference of the 8th of March, which I, for one, understood to amount to an engagement that the claims in question should not be put forward in the event of a Treaty being agreed on.

"I will not enter into a discussion of the grounds upon which I came to that conclusion; but will simply say that we never for a moment thought of relying upon it, or upon any other matter outside of the Treaty itself. We thought, as I still think, that the language of the Treaty was sufficient, according to the ordinary rules of interpretation, to exclude the claims for Indirect Losses. At all events, we certainly meant to make it so.

"I remain, yours very faithfully,

"STAFFORD H. NORTHCOTE.

"The Earl of Derby.

"Perhaps you will kindly read this in the House of Lords to-morrow."

EARL GRANVILLE: My Lords, your Lordships will remember that on Monday evening I made a statement as to the position of the negotiations between Her

Majesty's Government and the Government of the United States. It was to this effect—that we were in active communication with the American Government, but that there was one portion of the Supplemental Article—of which your Lordships were already somewhat irregularly in possession—as to which there was no difference of opinion, and that the only difference which existed was with regard to the wording of the engagement which would bind the two parties in the future. During the debate on Tuesday that portion of the discussion which had reference to the misunderstanding involved in the statements made in the American Case turned in a very great degree on that part of the Supplemental Article which it was thought by many of your Lordships—though quite contrary to the opinion of Her Majesty's Government—to be insufficient for the purpose. That being the case, I cannot help feeling, though entirely disagreeing from noble Lords, that some of them spoke with so much authority as would necessarily excite some anxiety on the part of the public of this country. I therefore took the opportunity of a conversation with the American Minister to ask him whether he still retained the opinion which he and I had always had as to the effect and sufficiency of this particular part of the Article. I am glad to find that he agrees with me: but I am perfectly aware that, though your Lordships might be perfectly satisfied with my report of an incidental conversation with the United States Minister, he might not be supposed himself to have sufficient authority to make any explanation on the subject. I am, therefore, very glad indeed to have received a letter from him, which, with your Lordships' permission, I will now read—

“ Legation of the United States,

“ London, June 6, 1872.

“ My Lord,—In the conversation we had yesterday, and which was resumed this morning, you stated to me that Her Majesty's Government have always thought the language proposed by them in the draft Article as it stands sufficient for the purpose of removing and putting an end to all demands on the part of the United States in respect to those Indirect Claims which they put forth in their Case at Geneva, and to the admissibility of which Her Majesty's Government have objected; but that there were those who doubted whether the terms used were explicit enough to make that perfectly clear, and to prevent those same claims from being put forward again. I

Earl Granville

concurred with you in your view as to the sufficiency of the language used in that clause of the proposed Article, and which the Government of the United States had accepted; and I repelled the idea that anybody should think it possible that the Government of the United States, if they should yield those claims for a consideration in a settlement between the two countries, would seek to bring them up in the future, or would insist that they were still before the Arbitrators for their consideration.

“ I am now authorized in a telegraphic despatch received to-day from Mr. Fish to say that the Government of the United States regards the new rule contained in the proposed Article as the consideration for and to be accepted as a final settlement of the three classes of the Indirect Claims put forth in the Case of the United States to which the Government of Great Britain have objected.—I have, &c.,

“ ROBERT C. SCHENCK.

“ Right Hon. Earl Granville.”

My Lords, I read this letter for the purpose of giving satisfaction to those of your Lordships who were disquieted as to the sufficiency of the Article. I think it shows also that we have not been such dupes as some had supposed; and, further, I think it is an honourable testimony to the straightforward manner in which the United States are conducting these negotiations. I beg at the same time to say that it is not an Article yet agreed upon; it is proposed—but it is impossible for me, under the difficulty of the present circumstances, to give any positive assurance as to the manner in which the negotiations may still tend.

Order of the Day for resuming the adjourned debate on the Earl Russell's motion, viz.,

That an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to give instructions that all proceedings on behalf of Her Majesty before the arbitrators appointed to meet at Geneva pursuant to the Treaty of Washington be suspended until the claims included in the Case submitted on behalf of the United States and understood on the part of Her Majesty not to be within the province of the arbitrators have been withdrawn, read.

THE LORD CHANCELLOR rose, and was about to resume the debate, when—

THE EARL OF DERBY: My Lords, I rise to a point of Order. I think, after the announcement that has been made by the noble Earl the representative of the Government in this House, although, on the one hand, matters seem undoubtedly to have a satisfactory appearance, and I sincerely hope that appearance may be borne out by the results, still,

on the other hand, it is an announcement which places us in a position of some difficulty; because it calls upon us practically to decide the question whether we desire this debate to be continued and the opinion of the House to be taken on the matter in dispute:—it calls upon us practically to decide that question at a moment's notice, and upon the faith of an announcement which we have only heard read, and which we have not had an opportunity of deliberately considering. At the same time, I do not hesitate to say that, in my own view and that of my friends, the statement which has been made by the American Minister, and made, as I understand, by the express authorization of his Government, does place the matter in a position considerably different from that which it occupied on the last occasion of our meeting. I confess, for my own part, that I think—and I believe this is the feeling of many on both sides of the House—that there is strong reason to doubt whether the Supplemental Article would have the effect which, I cannot doubt, it is the intention of the Government it should have—namely, to withdraw, put an end to, and set at rest those Indirect Claims. The matter has now passed into a new stage, and although it is for the noble Earl who originated this Resolution (Earl Russell) to say what course he intends to take with regard to it, still I think it a very grave question whether, under these altered circumstances, it would be advisable to go to a division. If we did, it might give an appearance of disunion and difference of opinion upon a matter where obviously it is the interest of this House and the country—and I am sure that it is the desire of all of us—that we should, if possible, be united. If, as appears probable, this debate is not followed up to a division—if the matter rests where it now stands—we, of course, do not in any way waive our right to weigh, examine, and criticize with that care which is eminently necessary in a matter of so grave importance the language of the Supplemental Article.

EARL GREY: My Lords, I think we are placed in rather difficult circumstances. In the absence of my noble Friend who made the Motion (Earl Russell), I am not aware that any of us possesses authority to take any positive course in the matter. I cannot help

thinking that in the absence of my noble Friend the best course would be to adjourn this debate. ["Hear, hear!"] I certainly concur in the opinion expressed by the noble Earl (the Earl of Derby), that a great change has been brought about in the position of affairs by the announcement which has just been made by my noble Friend the Foreign Secretary.

THE MARQUESS OF SALISBURY: My Lords, I wish to point out that we only have the assurance in the language of a Note not yet before the House, and which, therefore, I will not attempt to criticize, of one half the Executive of the United States. It must, therefore, be understood that in any course we may take we reserve to ourselves full power of action in case the other half of the treaty-making power does not prove to be in full accord with what now appears to be the opinion of Mr. Fish.

EARL GRANVILLE: Of course in that event the Supplemental Article would be useless.

In the meanwhile Earl RUSSELL had entered the House, and Earl GRANVILLE handed to him the Letter of the United States Minister. Having perused the Letter, and after conference with Lord CAIRNS—

EARL RUSSELL said: My Lords, I am very glad the Minister of the United States has made the declaration of which my noble Friend the Secretary of State for Foreign Affairs has given me a copy. I think the Indirect Claims are withdrawn by it. ["No, no!"] I therefore propose that your Lordships should not continue the debate on the Motion I have made: but of course I reserve to myself the right of bringing it forward again, if necessary, on a future occasion.

EARL GRANVILLE: My Lords, I wish to express my acknowledgments to my noble Friend: but, at the same time, in order to avoid misconception, to say that the Indirect Claims are not withdrawn, because that portion of the Article is conditional on the rest of the Article being agreed to.

LORD CAIRNS: My Lords, I think the understanding of your Lordships is that the Government of the United States, or Mr. Fish, and Her Majesty's Government are quite in accord on this point—that if the other questions which

are pending with respect to this Article are adjusted, the Article is to be taken as a final and complete settlement of the three classes of Indirect Claims, which are no more in any shape or at any time to appear. Of course, when the matter comes to be put in the shape of an elaborate Treaty before the Senate, that body may express dissatisfaction or dissent from that form. Then would be the time to assert the right which the noble Earl reserves to himself to express—an opinion as to whether the final Treaty has a less complete effect than has been stated.

THE MARQUESS OF SALISBURY: Will the noble Earl (Earl Granville) tell us what are the three classes of Indirect Claims that are referred to in the letter of General Schenck? In the American Case they stand as follows:—First, for loss by the transfer of the mercantile marine to the English flag; second, for the enhanced premiums for marine insurance; third, for the prolongation of the war; fourth, for the addition of a large sum to the cost of the war.

EARL GRANVILLE: The last two are taken as one.

EARL BEAUCHAMP: My Lords, I think it would be better to adjourn the debate till to-morrow or Monday rather than finally to withdraw the Motion. I do not see what possible objection there can be to the course I propose.

THE DUKE OF RICHMOND: My Lords, I venture to say that I entirely differ from my noble Friend who has just made his suggestion. There is one reason—one cogent reason I think—why it is better to accept that proposition of the noble Earl whose Motion is before us, and it is this—that if the debate were only adjourned we should not have the advantage, were it ever resumed, of again hearing the noble Lords who have already spoken.

EARL GRANVILLE: I entirely agree with my noble Friend the noble Duke; but I think it is possible that the readiness of noble Lords opposite to accede to the withdrawal of the Resolution may be attributed to the fact that they have had the advantage of the long legal speech of the noble and learned Lord (Lord Cairns), and of some remarks, mixed up with kind and useful advice to the Government, from another noble and learned Lord (Lord Westbury), while both of those noble and learned

Lord Cairns

Lords are unanswered by my noble and learned Friend on the Woolsack.

Motion (by leave of the House) *withdrawn*.

LANDLORD AND TENANT (IRELAND) ACT, 1870.

The Lords following were named of the Committee:—

M. Salisbury.	L. Brodrick.
E. Portsmouth.	L. Somerhill.
E. Belmore.	L. Wenlock.
E. Bandon.	L. Lurgan.
E. Kimberley.	L. Chelmsford.
E. Dartrey.	L. Meredyth.
V. Lifford.	L. Greville.
L. Steward.	L. Kildare.
L. Digby.	

And, on Friday, June 7, The Earl of Longford and The Earl of Charlemont *added*.

BAPTISMAL FEES BILL [H.L.]

A Bill to render it unlawful to demand any fee or reward for the celebration of the sacrament of Baptism, or the registry thereof—Was *presented* by The Lord Bishop of Winchester; read 1st. (No. 128.)

House adjourned at a quarter before Six o'clock, till To-morrow, a quarter before Five o'clock

HOUSE OF COMMONS,

Thursday, 6th June, 1872.

MINUTES.]—NEW MEMBER SWORN—John Morgan Cobbett, esquire, for Oldham.

PUBLIC BILLS—*Second Reading*—Chain Cables and Anchors Act (1871) Suspension * [183]; Drainage and Improvement of Lands (Ireland) Supplemental * [185].

Second Reading—Referred to Select Committee—Pawnbrokers * [173].

Committee—Education (Scotland) [31]—*R.P.*

Committee—Report—River and Harbour Orders Confirmation (No. 2) (*re-comm.*) * [158].

Third Reading—Local Government Supplemental (No. 2) and Act (No. 2, 1864) Amendment * [163]; Alteration of Boundaries of Dioceses * [170], and *passed*.

IRELAND—LANDED PROPRIETORS.

QUESTION.

SIR FREDERICK W. HEYGATE asked the Chief Secretary for Ireland questions relative to the "Return relating to Landed Proprietors" (Ireland) recently presented to the House; What is to be considered as constituting residence; whether he considers the Returns in

columns 3, 4, and 5 as to residence "Elsewhere in Ireland" "usually out of Ireland," and "Rarely or never resident in Ireland," to be reliable, and capable of any proof; in column 6, relating to "Public or Charitable Institutions or Public Companies," whether the estates of Trinity College, Dublin, of the Bishops, Deans, and Chapters of the late Church of Ireland are included; and, whether the estates of those of the London Companies in the county of Londonderry in which the chief beneficial interest has been sold or leased to private individuals are also included?

THE MARQUESS OF HARTINGTON, in reply, said, with regard to the first part of the Question, he would best satisfy his hon. Friend by laying upon the Table a copy of the instructions sent to the Poor Law Inspectors, and if the hon. Baronet would move to that effect he should be happy to produce it. With respect to the second part of the Question, the Inspectors had great facilities for obtaining accurate information, and he had no reason to doubt that they exercised due care and diligence in the matter. The properties referred to in column 6 were, as far as he had been able to ascertain, included in the nominal list. As to the estates of the London Companies, where those Companies were represented in the valuation lists as owners, they were included in the Return. With regard to such of the properties, however, as were sold in perpetuity or at small chief rents, and where the names of the Companies did not appear in the valuation lists in connection with them, the names of the proprietors to whom they were sold appeared in the nominal list.

INTERNATIONAL EXHIBITION, VIENNA, 1873.—QUESTION.

MR. BOWRING asked Mr. Chancellor of the Exchequer, Whether, considering that Her Majesty has been graciously pleased to issue a Royal Commission for the promotion of the International Exhibition to be held at Vienna in 1873, Her Majesty's Government will be prepared to propose to Parliament the grant of such a moderate sum of money (to be expended upon the responsibility of the Commissioners) as may be sufficient, with the assistance expected to be voluntarily rendered by British Manufacturers,

to insure an adequate representation of the products of British industry at that exhibition? He wished to add that he had been informed that the French Government—and, indeed, almost every Government in Europe—had made grants for a similar purpose.

THE CHANCELLOR OF THE EXCHEQUER: Sir, my hon. Friend has the advantage of me, for I have no information as to the action of other Governments. There is a precedent which may be considered in point, that of the French Exhibition of 1867, when we did give no less a sum than £116,000. That was a very serious matter, and I hope my hon. Friend will excuse me if I say that the Government has not made up its mind on the subject, and I can, therefore, give no answer at present.

IRELAND—CUSTOMS CLERKS AT DUBLIN.—QUESTIONS.

MR. PIM asked the Secretary to the Treasury, When the improved scale for the salaries of the Dublin Customs Clerks will be issued, the London Customs classification having been finally settled by Treasury Minutes of 8th of March and 8th of May; and, whether the new scale of salaries will be retrospective from the 1st of April, 1869, as in the case of the Customs Clerks in London; and, if so, when the arrears will be paid?

MR. BAXTER: Sir, since the final settlement of the new classification for the London Custom House, the Treasury has had under consideration the case of Liverpool, and the proposed scale for that port will be issued in a few days. No Report has yet been received on the Dublin establishment, and therefore I am not yet in a position to answer the Questions of my hon. Friend.

PAROCHIAL REGISTERS (IRELAND). QUESTION.

MR. PIM asked Mr. Attorney General for Ireland, Whether the Government have considered respecting the Parochial Registers formerly kept by the Clergy of the late Established Church in Ireland, but which being now under no care or guardianship, are rapidly being lost or destroyed; and, whether they are prepared to take any and what means for the preservation and future custody of these important records?

THE ATTORNEY GENERAL FOR IRELAND (Mr. Dowse) said, in reply, that the matter had for some time been and still was under the consideration of the Irish Government. Several communications had been received from the Church representative body on the subject. He did not think his hon. Friend was right in stating that there had been any serious loss or destruction of these documents, though the remark might, perhaps, apply to some remote parishes.

POLICE—CRUELTY TO ANIMALS—THE
12TH AND 13TH VICT.—QUESTION.

SIR HENRY HOARE asked the Secretary of State for the Home Department, Whether the police constables on duty have distinct orders to take into custody persons offending against the second Clause of the Act 12 & 13 Vic. called an Act for the more effectual prevention of Cruelty to Animals; and, whether he will give instructions to the Chief Commissioner of Police to see that they are more active in carrying out the provisions of the said Act?

MR. BRUCE: Sir, the orders of the police, on which they have always acted, have been in all cases of serious cruelty to animals to apprehend the offenders, and in less serious cases to summon them. My hon. Friend seems to think that there has been a falling off in diligence on the part of the police of late years; but the statistics of the last three years will show that such has not been the case. In 1869 the number of persons apprehended was 487; of persons summoned, 96—total, 583; in 1870 the number apprehended was 463; summoned, 101—total, 564; in 1871 the number apprehended was 650; summoned, 90—total, 740. That shows that there is no want of diligence on the part of the police. The magistrates have not power to order the destruction of animals brought before them in a bad state. I cannot say, without further consideration, that it would be wise or expedient to undertake additional legislation on the subject.

TICHBORNE v. LUSHINGTON—PROSECUTION OF THE "CLAIMANT" FOR
PERJURY.—QUESTION.

MR. J. D. LEWIS asked Mr. Chancellor of the Exchequer, Whether there is any foundation for the report that

the Treasury has refused to allow the expenses of any witnesses required from abroad in support of the prosecution against the person styling himself Sir Roger Tichborne?

THE CHANCELLOR OF THE EXCHEQUER: Sir, this is one of four Questions on the Paper upon this subject. I cannot pretend to be surprised that hon. Gentlemen who placed these Questions on the Paper should feel so great an interest in the matter. But another question arises, and a very serious and important question—namely, how far it is desirable that this House should be made the theatre of discussion as to the preliminary arrangements for the trial. The Government have seriously considered this subject, and I have now to state, with every respect for the Gentlemen who have put down these Questions, and without at all questioning their right to do so, that Her Majesty's Government mean to consult the interests of the public by declining to answer these Questions.

Afterwards—

MR. WHALLEY said, that as he could not acquiesce in the views just expressed by the Chancellor of the Exchequer in reference to this case he was desirous of eliciting a reply from Mr. Attorney General; because if the hon. and learned Gentleman should refuse to give the information required he should call attention to the subject to-morrow evening on the Motion for going into Supply. He would therefore ask Mr. Attorney General, with reference to the Tichborne case, Whether, assuming the evidence as to the tattoo marks is reliable, it is necessary to incur the delay and cost of bringing witnesses from Chili and Australia; and, whether, in advising the Government to pay the costs of this prosecution, consideration was given to the allegation that this tattoo evidence was known to members of the family at the time that the offence of perjury was committed?

THE ATTORNEY GENERAL: Concurring as I do most entirely in the views which the Chancellor of the Exchequer has lately expressed, I trust the hon. Gentleman and the House will excuse me if I follow my right hon. Friend's example.

MR. ONSLOW asked Mr. Chancellor of the Exchequer, Whether he has received from Dr. William Massey Wheeler,

late surgeon of the Victorian Exploring Expedition, a statement respecting his knowledge of Arthur Orton, whom the claimant to the Tichborne Estates is alleged to be; and, whether in consequence of the facts therein stated he will direct the said Dr. Wheeler to be examined by the Treasury Solicitor before any further expenditure of the Public Money is incurred in connection with the contemplated criminal prosecution?

THE CHANCELLOR OF THE EXCHEQUER said, in reply, that for the reasons he had already given he must decline to answer the Question.

LOCAL TAXATION—THE RESOLUTION. QUESTION.

SIR MASSEY LOPES asked the First Lord of the Treasury, Whether the Government have determined on the course they intend to take with reference to the opinion expressed by the House on the subject of Local Taxation on the 16th of April last; and, if so, when he will be prepared to announce the result of their deliberations?

MR. GLADSTONE: Sir, the Motion which the hon. Baronet prevailed upon the House to pass by very considerable majority embraces matter of a very great importance, and it was supported by him in a speech of great length, and, if he will accept a tribute from me, of great ability. But, important as was the Motion, and extended as was the statement, there are, in the opinion of the Government, many other matters inseparably associated with the points to which the hon. Baronet called the attention of the House, and embodied in his Motion. The Government will not make any announcement of its policy with respect to the points embraced in the Motion—I will not say till they have considered them, for that they have to a great extent done, but until they see an opportunity of calling the attention of the House in an effectual manner to those other collateral matters which they think inseparably connected with the subject raised by the hon. Baronet.

CRIMINAL LUNATICS—CRICKHOWELL UNION.—QUESTION.

SIR JOSEPH BAILEY asked the Secretary of State for the Home Department, If he would state to the House why the guardians of Crickhowell Union

have not been relieved from the cost of maintaining John Gwynne, a criminal lunatic in Broadmoor Asylum, whose friends are incapable of defraying the cost of his maintenance, inasmuch as the guardians of Wells Union have been relieved from a similar charge?

MR. BRUCE said, in reply, the cases to which the question referred were not analogous. In the one the lunatic was sentenced to penal servitude for life; in the other no sentence of penal servitude had been passed. By the law, therefore, the duty of supporting the lunatic in the latter case was cast upon the Union, and he saw no reason to relieve it.

TERMINABLE ANNUITIES, 29 VICT. C. 5. QUESTION.

MR. SINCLAIR AYTOUN asked the Secretary to the Treasury, Whether he concurs in the opinion expressed by the Solicitor General on Thursday last, in answer to a Question, that it is not accurate to say that £7,000,000 have been converted into a Terminable Annuity under section 4 of the Act 29 Vic. c. 5, the conversion having been made to the extent of £5,000,000 under section 1, and to the extent of the balance only under section 4; and, if he concurs in the opinion expressed by the Solicitor General, if he would be so good as to explain who is responsible for the erroneous statement in the Finance Accounts for 1870-71, page 55, that £7,000,000 was cancelled in exchange for a Terminable Annuity, per Act 29 Vic. c. 5, s. 4?

MR. BAXTER: Perhaps, Sir, it will be most satisfactory to my hon. Friend if I inform him exactly what has occurred. The Act 29 Vic. c. 5, empowered the Treasury (section 1) to cancel any amount they think fit of Stock held on account of savings banks not exceeding £2,500,000, and it empowered them to cancel a like amount of Stock held on account of Post Office savings banks, or £5,000,000 in all, and to substitute Terminable Annuities for the Stock so cancelled. In virtue of the power so conferred, the Treasury by warrant dated the 15th of February, 1867, cancelled £2,500,000 of Stock standing in the names of the Commissioners for the Reduction of the National Debt, on account of Post Office savings banks; and by warrant dated the 24th of May, 1867, they cancelled £2,500,000

of Stock standing in the same names on account of savings banks. Further, the Act by section 4 empowers the Treasury from time to time, when they consider it advantageous for the public service, to cancel such further amounts of capital Stocks held by the Commissioners for the Reduction of the National Debt for Post Office savings banks, as they shall consider expedient, substituting Terminable Annuities for such capital Stocks. In virtue of the power thus conferred upon them, the Treasury by warrant dated the 19th of May, 1870, cancelled £7,000,000 of Stock standing in the name of the Commissioners for the Reduction of the National Debt, on account of Post Office savings banks, and substituted Terminable Annuities for the amount so cancelled. The statement in the Financial Accounts is therefore correct.

ARMY—APPOINTMENTS AND PROMOTIONS—THE ROYAL WARRANT.

QUESTION.

LORD EUSTACE CECIL asked the Secretary of State for War, When the Warrants regulating the first appointments and promotion of officers in the Engineers, Artillery, and Household Brigade will be published; and, whether any further regulations are to be issued with regard to promotion in the Militia; and how soon they may be expected to appear?

MR. CARDWELL: Sir, the Royal Warrant with regard to the Artillery and the Engineers has been sent for the consideration of the Treasury. As soon as it is returned it will be submitted for the sanction of Her Majesty, and after receiving that sanction it will be published. The Warrant with regard to the Household Brigade is ready, but has not yet been sent for the consideration of the Treasury. It is about to be so sent, and will be there treated in the same way that I have mentioned in reference to the other Warrant. The Warrants with regard to the Militia have been already published.

LORD EUSTACE CECIL: Are there any further regulations to be published?

MR. CARDWELL: The further regulations have been published already.

TREATY OF WASHINGTON. TRIBUNAL OF ARBITRATION (GENEVA). THE INDIRECT CLAIMS.

QUESTION.

MR. PERCY WYNDHAM asked the First Lord of the Treasury, If the Indirect Claims do not still form a part of the American Case to be presented at Geneva; and, if so, if he would inform the House how the assurance of the President,

"That he will make no claim on the part of the United States in respect of indirect losses as aforesaid before the Tribunal of Arbitration at Geneva,"

can bar the Arbitrators from recognizing the Indirect Claims as part of the Case presented to them, and from even possibly adjudicating upon such Claims?

MR. GLADSTONE: I think, Sir, that I can give an answer to the hon. Gentleman's Question which will be most satisfactory if I refrain from following the argument which his Question contains. If, however, he is not satisfied with the answer which I shall give I will, on his signifying the fact to me, take care to take up the line of argument. I think, however, my answer will do away with the necessity for any such course. The purport of the Question of the hon. Gentleman is quite obvious, and forms the subject of an inquiry very proper to be addressed to Her Majesty's Government. His meaning evidently is that the words he has quoted as the assurance of the President, namely—

"That he will make no claim on the part of the United States in respect of indirect losses as aforesaid before the Tribunal of Arbitration at Geneva,"

—are insufficient to procure the practical abrogation and extinction of the Indirect Claims. I do not use the word "withdrawal," because, as I have before ventured to observe, it appears to me that if we go upon the question of mere verbal criticism the word "withdrawal" is quite as open to such criticism as any other word that could be applied to the Indirect Claims included in the Case submitted by the American Government. I am not aware of any power provided under the Treaty by which that Case, or any part of it can, in technical accuracy, be withdrawn; but I think I perfectly understand the meaning of the hon. Member. I under-

Mr. Baxter

stand him to conceive that the words embodied in the Supplemental Article do not secure the final extinction for all practical purposes of the Indirect Claims, or that there shall be no proceeding taken or any award given upon them. Since I spoke on a recent day I have received the highest authority for giving this assurance—an assurance, be it observed, which is entirely contingent upon the conclusion of the Supplemental Treaty, because the American Government do not recede from their contention with respect to the meaning of the original Article—that the United States Government regards the new rule contained in the proposed Article, if it shall be agreed upon, as the consideration to be accepted as a final settlement of the three classes of the Indirect Claims which were put forth in the United States Case, and to which Her Majesty's Government have objected.

FRANCE—QUARANTINE IN FRENCH PORTS.—QUESTION.

MR. BAILLIE COCHRANE asked the Under Secretary of State for Foreign Affairs, Why all sailing vessels, yachts entering, are subjected to quarantine on entering any French Ports unless provided with a clean Bill of health, while steamers are permitted to land their passengers without any restriction; and, whether any remonstrance has been made to the French Government on the subject of this regulation?

VISCOUNT ENFIELD: I am glad, Sir, to be able to inform my hon. Friend that by a notice in the *French Journal Officiel* of yesterday's date vessels coming from the British Isles will no longer be required to produce a Bill of health in the Channel and Atlantic ports of France. This applies equally to all craft.

METROPOLIS — COMMUNICATION BETWEEN QUEEN SQUARE AND BIRDCAGE WALK.—QUESTION.

MR. CAVENDISH BENTINCK asked the Chief Commissioner of Works, Upon what conditions, and subject to what restrictions, Her Majesty's Government will carry into effect the pledge given in 1869 by the Office of Works, and recently renewed, to open a carriage communication between Queen Square and Birdcage Walk?

MR. AYRTON said, it was his wish that the arrangement referred to in the Question of the hon. Gentleman should be carried out. The arrangement was that the few persons who desired this communication should, at their own expense, construct the necessary road and pay the gatekeeper. As soon and as long as they did this the roadway should be kept open to be used for the limited purpose for which Birdcage Walk was at present used.

MR. NEVILLE-GRENVILLE asked if he was to understand that a gatekeeper, who was the servant of Her Majesty, should be paid by Her Majesty's subjects?

MR. AYRTON: The gatekeeper will be engaged by the Office of Works. The question is, whether all Her Majesty's subjects should pay his wages or whether he should be paid by the particular subjects who desire and would alone benefit by his services?

PARLIAMENT — REPORT OF SELECT COMMITTEE ON PUBLIC BUSINESS.

QUESTION.

MR. RAIKES asked Mr. Chancellor of the Exchequer, What steps, if any, he proposes to take to bring under the consideration of the House those recommendations of the Select Committee on Public Business which have not as yet been submitted to its judgment; and, whether in case he does not think it desirable to take any further steps in this matter, he will object to the appointment of a Select Committee to reconsider the Rules of the House regarding the transaction of Public Business?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, at that period of the Session, and with the state of feeling on the subject which existed in the House, the Government would not be prepared to take that course.

ARMY—COMMISSIONS—UNIVERSITY CANDIDATES.—QUESTIONS.

MR. ASSHETON CROSS asked the Secretary of State for War, Whether he has yet drawn up any Regulations with respect to the manner of selection of candidates from the Universities for commissions in the Army; and, if he has done so, whether he has any objection to state the substance of them?

MR. CARDWELL, in reply, said, that the Regulations had been drawn up, and he had sent a copy of them to the hon. Member, who would therefore excuse him from reading them.

LORD EUSTACE CECIL asked whether there would be any objection to lay the Regulations on the Table?

MR. CARDWELL: No.

PERSIA—FOREIGN JURISDICTION ACT.
QUESTION.

MR. EASTWICK asked the Under Secretary of State for Foreign Affairs, Whether it has been decided that the Foreign Jurisdiction Act can be put in force in Persia?

VISCOUNT ENFIELD: It has been decided, Sir, that the Foreign Jurisdiction Act can be put in force in Persia, and Sir Philip Francis, Her Majesty's Consul General and Judge in the British Consulate Court at Constantinople, has been instructed to place himself in communication with Colonel Pelly, the British Resident at Muscat, with the view of framing an Order in Council and the rules necessary for giving effect to the Jurisdiction Act, founded on the Levant Rules. As, however, the Levant Rules are now in course of revision, Sir Philip Francis will probably delay framing Rules for Persia until the revision of the Levant Rules is completed.

LOCAL TAXATION.—QUESTION.

COLONEL BARTTELOT asked, Whether it was the intention of the Government to deal with the subject of Local Taxation during the present Session?

MR. GLADSTONE said, that although the Government fully recognized the importance of the subject, it was not their intention to bring forward any measure dealing with it during the present Session.

TREATY OF WASHINGTON.
TRIBUNAL OF ARBITRATION (GENEVA).
THE INDIRECT CLAIMS.
RESOLUTION (Viscount Bury).

QUESTION.

MR. J. G. TALBOT: I wish to put a Question to the noble Viscount (Viscount Bury), of which I have given him private Notice—namely, as to what course he intends to pursue to-morrow with reference to the Notice of Motion he has

given for that day relative to the Treaty of Washington?

VISCOUNT BURY: I am obliged to my hon. Friend the Member for West Kent for giving me an opportunity of stating the course which I propose to adopt with regard to my Motion which stands on the Paper for to-morrow; and especially after the announcement that has just been made by the right hon. Gentleman at the head of the Government, I think it would be for the convenience of the House if I terminated my answer with a Motion. The right hon. Gentleman himself can hardly be surprised at that course, because the Motion which I have on the Paper is identical with that which is now being debated in "another place," and that Motion has been declared by the Leader of the House of Lords to be a Vote of Censure. It was not my intention—and I said so at the time—to convey any censure on Her Majesty's Government by my Motion; and I feel satisfied that the right hon. Gentleman himself does not view it in that light, for if he did it would have been in accordance with Parliamentary precedent, and I am sure in accordance also with his own feeling, to hasten to give a day for its discussion. But, as such has not been the case, I can only conclude that he accepts the construction which I myself put on that Motion, and does not regard it as a Vote of Censure. But the question arises whether or not it would be advisable to discuss the matter at this time; and I firmly believe that it would be for the advantage and the dignity of this House to enter upon that discussion. However, it is perfectly true that a private Member finds it very difficult to bring on a Motion like that which stands in my name for to-morrow unless it is facilitated by the Government, which the Prime Minister finds it quite impossible to do. As the Motion, from its position on the Paper, cannot come on to-morrow, I shall reserve to myself the right of acting according to circumstances, and of bringing it on at some other time, if the House considers it necessary that it should be done. But will the House allow me to ask the right hon. Gentleman for a little additional explanation of the statement which he just now made to us? I understood him to say that the acceptance by the American Government of the Supplemental Article in

satisfaction of the Indirect Claims was contingent upon something else that we were to do. I would ask the House to remember for a moment the position in which we now stand. All the voluminous Papers that are on the Table of this House are so much waste paper save for the purpose of reference, except the Supplemental Treaty lately laid before us. This country, we are all agreed, has decided that the Indirect Claims shall not be urged at Geneva, and the only question that we have to decide is, whether the Supplemental Treaty that is now before the House does or does not bar those Claims. We must revert to the last time when we touched firm ground in this discussion. That was on the 3rd of February, 1872, when Earl Granville addressed to General Schenck a communication, in which he said that, under no circumstances, would we discuss the Indirect Claims. Mr. Fish immediately replied that if he had known that the Indirect Claims were barred, the President would not have entered at all into the negotiation.

MR. SPEAKER called the noble Lord to Order. It was not consistent with the Rules of the House for the noble Lord to discuss a Motion which stood on the Paper in his name for to-morrow.

VISCOUNT BURY: I will entirely desist from making the remarks which I was about to offer, and shall conclude by moving that the House do now adjourn; but, in doing so, I wish to ask the right hon. Gentleman to state whether we are to depend upon the text of the Supplemental Article, or are to depend upon some gloss outside of that Article for our security that the Indirect Claims will not be pressed at Geneva. If we are to depend upon something outside of the Treaty, then it will affect the course which I, for one, shall feel it my duty to take on the Resolution that I have placed on the Notice Paper.

Motion made, and Question proposed, "That this House do now adjourn."—*(Viscount Bury.)*

MR. OSBORNE: I do not rise to take any advantage of the Motion for the adjournment of the House, because I look upon the answer given by the Prime Minister as being, as far as it went, satisfactory. But I only wish to ask the right hon. Gentleman this question—whether, in accordance with his an-

swer, there will be any postponement of the meeting of the Arbitrators, fixed for the 15th instant; and, if so, to what date?

MR. GLADSTONE: It is only necessary for me to say a very few words, after the becoming and considerate manner in which the noble Lord has contracted the course and scope of his remarks. I would just make one observation on what the noble Lord said about the construction to be put on his Motion, because I do not wish to be held bound even by silence to the doctrine that every Motion to be made in this House which the Government may regard as involving a Vote of Censure is therefore to receive precedence of all other business, and is to be made the subject of immediate discussion. There are various qualifications to be attached to that doctrine—qualifications according to the circumstances of the case; qualifications according, also, to the intention of the Member by whom the Motion is made; qualifications according to the support which that Motion receives from large portions of the House; and, finally, let me add, qualifications according to the bearing of the Motion upon the public interests at the time. Because it is perfectly conceivable that a vote might be moved, not like that of my noble Friend, to which he disclaims attaching the character of a Vote of Censure, but one intentionally carrying the character of a Vote of Censure, and which might receive considerable support, but for the immediate discussion of which, nevertheless, it might be contrary to the duty of the Government to give extraordinary means, if in their conviction and knowledge it was likely to be injurious to great public interests. But I will answer the question of my noble Friend in a manner as distinct as possible. He asks, are we to depend for the exclusion or the extinction of the Indirect Claims—although I do not dwell on any word, that is, perhaps, as good a word as one could find—are we to depend for the extinction of the Indirect Claims upon the words of the Supplemental Article, or upon some gloss extraneous to the Article itself, and put upon it by the parties? Our answer to that is as follows:—Always bearing in mind that the Supplemental Treaty is not yet adopted or decided on in all its parts, the words of the Supplemental Article—I mean

those words in the closing clause which bear on the treatment of the Indirect Claims—are in our view perfectly sufficient for their purpose. We are supported in that view by those upon whom we are accustomed to rely for the construction of legal and formal documents. But as there have been some who have thought that they were not sufficient for the purpose—it was material, while we are considering the matter, that we should apprise the House that the very same view is taken by the other party in the case as is taken by us with regard to the effect of those words. In speaking on a former occasion, wishing to observe the rules of caution, and on no account to lead the House on to ground that might not be perfectly safe, we spoke of what we had reason to believe. I can now go beyond that. We know, and are assured from the highest authority, not merely from the representative of the American Government in this country, but from the American Government itself, that such is the case in the words which I have referred to; and these words being perfectly clear it is not necessary that I should repeat them. The hon. Member for Waterford (Mr. Osborne) has likewise asked me whether the postponement of the meeting of the Arbitrators from the 15th of June has been agreed upon, and if so, to what date? I am not able to say, at this moment, that such a postponement has been agreed upon; and with reference to the 15th of June, all I will venture to say is—and I trust it will be sufficient to satisfy the just expectation of the House—that we hold ourselves absolutely bound to this effect—that neither on the 15th of June, nor on any other day, shall there occur at Geneva anything that, according to our best judgment, is inconsistent with the honour and credit of this country, or with the explicit declarations which, from time to time, it has been our duty to make on the subject of the bearing of the Treaty of Washington on the Arbitration at Geneva.

Motion, "That this House do now adjourn," by leave, *withdrawn*.

Mr. Gladstone

EDUCATION (SCOTLAND) BILL—[Bill 31.]
(*The Lord Advocate, Mr. Secretary Bruce, Mr. William Edward Forster.*)

COMMITTEE. [*Progress 4th June.*]

Bill considered in Committee.

(In the Committee.)

II.—LOCAL MANAGEMENT.

Clause 5 (Area of a parish and a burgh).

MR. GORDON asked, what would be the duties of the Commissioners which the Lord Advocate had inserted in his own clause in reference to the fixing of the areas referred to in this clause which was placed under the Scotch Education Department. He also doubted whether the understanding which had been come to the other night had been carried out by the Government.

THE LORD ADVOCATE said, that the statement which had been made the other night was quite distinct, and in the clause itself he had endeavoured to express the duties of the Commissioners in conformity with the statement which he then made to the House. The duties of the Scotch Commissioners would be to aid in the establishment of schools under the Bill and in starting the new scheme. He thought it would be found by the clause, of which he had given Notice, that the duties put on them under the Department of the Government were those expressed in the clauses of the Bill, to which he had formerly referred. In regard to the fixing of the areas, it was very well known that questions about boundaries frequently gave rise to acrimonious and expensive litigation; and the decision had been left to the Education Department as a means of avoiding expense in determining matters of small importance in themselves; and the Commissioners referred to were to be appointed to assist the Education Department in the execution of its duties.

MR. GORDON said, that the settlement of the area of parishes and burghs in reference to the formation of school boards was so essentially a local question that he would move to omit the words "Scotch Education Department," with a view to insert "the Board of Commissioners."

MR. ELLICE said, he thought the Amendment of his hon. and learned Friend to substitute a Board of Commissioners for the Scotch Education Depart-

ment in reference to this matter, which was of a purely local character, was right. For his own part, he should be satisfied if the matter were left to the sheriff; but a Board of Commissioners being evidently a better body to deal with such questions than the Scotch Education Department, he should vote for the Amendment.

MR. C. DALRYMPLE entirely agreed with the hon. Gentleman the Member for St. Andrews (Mr. Ellice). In the new clause there was an allusion to the Scotch Education Department. It might save time if the learned Lord Advocate would inform the House what the Scotch Education Department really was—it having been alluded to so frequently.

THE LORD ADVOCATE said, he could best answer the question by referring the hon. Member to the Interpretation Clause. The Committee had resolved that the definition of the Scotch Education Department should mean the Lords of any Committee of the Privy Council appointed by Her Majesty on education in Scotland. In the course of the discussion, he (the Lord Advocate) stated that the principle to which the Government was prepared to adhere was, that upon the Government the responsibility of seeing that the Act was properly executed would rest, subject to direct Parliamentary control. He stated that upon the people of the various districts, through school boards of their own election, would be cast the duty in the first instance of providing sufficient accommodation in public schools in their districts; but the Government would not attempt to put a statutory Board or any other body over them, and throw upon it the responsibility which should rest upon the Government alone, both in reference to the proper expenditure of local rates and the Imperial money voted by Parliament, and which was only voted on the understanding that it would be expended in a manner calculated to produce the best effects in the shape of extended and improved education in Scotland. For that reason he declined to put forward any statutory Board, whether temporary or permanent. The Board he proposed was a Board to aid the Government, and to be responsible to the Government—the Government being responsible to Parliament. Their duty, therefore, was to aid in starting the Act, and in forming local school

boards. The Scotch Education Department was simply the name given to the Department entrusted with the carrying out of the Act, just as in England it was entrusted to a Committee of the Privy Council, nominated for the express purpose, and called the Education Department—not only of England, but England and Scotland. It appeared to him that it would be more right and proper that instead of retaining that machinery, there should be a Scotch Committee appointed, which would have the charge of Scotch education; and it was to some extent proposed to establish a new department of the Privy Council, which would be nominated by Her Majesty in Council, and not by Parliament, and which could not be nominated by Act of Parliament. But although Parliament could not nominate the Committee of Council on Scotch Education, it could provide that there should be a Member of the Government in this House responsible to Parliament connected with it. Then the Government would, through that Committee, nominate the Commissioners for Scotland, who would be responsible to the Committee. He therefore could not consent to give to the Commissioners any powers by force of statutory enactment, or indeed any powers which were not derived through Government, for that would be creating a statutory commission, which he had already said would be extremely objectionable.

MR. ORR EWING said, that certainly the whole views of the Members for Scotland were against what the Lord Advocate proposed in the 3rd clause, and the majority of them were only prevented from voting against him by his promising to bring in a clause in accordance with the Amendment of the hon. Member for Linlithgowshire (Mr. M'Lagan). What was the use of this new clause? Clause 3, to which hon. Members objected, would have answered the purpose quite as well as this. It was simply a sham, and it would be incumbent upon hon. Members opposite to declare whether they were satisfied with it or not. This clause would not at all satisfy the people of Scotland. What was understood was, that although there was not to be a Board administering education in Scotland, there would be a Board charged with carrying out the local wants of Scotland, but be placed

under the Privy Council directly. He must say this clause was not satisfactory.

MR. M'LAGAN objected to this clause because it was almost entirely permissive. It was of no greater use than the 3rd clause was, and it was not what he expected. The powers given to the Board in Scotland were too limited, and the clause would not give satisfaction in Scotland. He should support the hon. Member for St. Andrews (Mr. Ellice).

SIR GRAHAM MONTGOMERY said, having listened attentively to the Lord Advocate, he must say that it might fairly be inferred that the Scotch Board would only be a sham board. The Lord Advocate had completely disappointed the expectations of the Scotch Members.

MR. MACFIE said, that the people of Scotland had no objection to the administration of the funds being entirely under the control of Parliament; but they did not wish the management of the education itself to be under that control. What they desired to avoid was, the Education Department in Scotland being part of the Government. The Articles of the Union distinctly recognised that the Scotch educational system was to be independent of control in London, and he regretted that more respect had not been shown by the Government for the immemorial habits and feelings and wishes of the people of Scotland.

MR. ANDERSON said, that having read the new clause, he thought it did not do what Scotch Members were led to expect when the learned Lord Advocate told them that he would substantially accept the Amendment of the hon. Member for Linlithgowshire (Mr. M'Lagan). It now appeared that what was proposed was to be of a permissive character, and nothing was said as to what the duties of the Commissioners were to be. It might be that there would be no Board in Scotland to carry out the powers of the Act.

MR. BOUVERIE said, it was unfortunate that such an important question should be raised on a question of area or boundary. It would be better to defer the discussion on the new clause until it was formally before the Committee.

THE LORD ADVOCATE said, he regarded the appointment of the Commissioners under the words before the House as imperative. Although the word "shall" was not used, practically it would be imperative, for it would be

quite impossible for any Government, after the House had required the Government to appoint Commissioners, to say that it would not confer the necessary powers.

SIR EDWARD COLEBROOKE suggested that it would be better, as the clause had been postponed in regard to the appointment of a Commission, to let the words stand as they were, because the Committee would always have the power when they came to the enacting clause to say what powers should be given to those Commissioners, and under what conditions they should be conferred. He thought, too, that if the Government were to make some such declaration to the Committee as that which they made in 1869 as to the character of the persons they intended to appoint, much of the alarm which seemed to pervade the minds of hon. Members would disappear.

MR. M'LAREN believed the best plan to adopt with reference to the areas would be to adopt the Parliamentary boundaries as fixed after the Reform Act of 1832. With regard to the powers of the Commissioners, seeing there was an appeal to the Privy Council, it would be better to commit to the Commissioners the whole of the administrative duties.

MR. CRAUFURD deprecated the further discussion of the question of the Commission until it came fairly before the Committee, and suggested that it should be postponed without prejudice.

LORD HENRY SCOTT said, the new clause of the Lord Advocate was nothing more than carrying out the machinery of Clause 3, and it was most unsatisfactory to be discussing a clause which was not before the Committee. In fact, it was difficult to ascertain what was the question before the Committee.

MR. ELLICE understood that the Lord Advocate was willing to leave out the words objected to by the hon. and learned Member opposite (Mr. Gordon). It was clear that the Commissioners ought to be the persons to deal with the subject of boundaries. He should prefer to substitute in the latter part of the clause "the Commissioners in Scotland" for "the Scotch Education Department," always understanding that their proceedings as Scotch Commissioners should be subject to appeal to the Privy Council,

Mr. Orr-Ewing

THE LORD ADVOCATE said, that to avoid the possibility of misunderstanding with regard to the language of the new clause, he regarded it as practically inoperative, and no Government could decline to grant to the Commissioners all the powers necessary to enable them to perform their complicated duties; but, as he had said before, when they came to consider the words of the clause, he would see if the language might not be altered, as had been suggested.

Amendment (*Mr. Gordon*) withdrawn.

On Motion of the LORD ADVOCATE, the words—

“unless the Scotch Education Department shall, by order issued by them, have otherwise, for the said purposes, determined the area thereof,”

—struck out.

Clause, as amended, ordered to stand part of the Bill.

Clause 6 (United parishes) agreed to.

Clause 7 (Burghs may be united with parishes in certain cases).

MR. GORDON moved in page 3, line 32, leave out “five,” and insert “two.”

Amendment agreed to.

Clause, as amended, agreed to.

Clause 8 (First election of school boards).

SIR EDWARD COLEBROOKE moved, in page 3, after line 40, insert sub-section—

“In every parish the School Board shall consist of the owners of lands and heritages of the yearly value of one hundred pounds and upwards, and of such number of elected members as may be determined by the Scotch Education Department.”

The qualification he proposed was well known in Scotch local administration, and he believed the addition of such members would give great confidence in the Board, and in especial would encourage teachers to come forward. This proposition was not a new one. It had been before the country for some years, for the Commission on Education proposed that one-half of the Board should consist of proprietors, and the proposal was embodied in the Bill of three years ago. He believed his proposal would give more satisfaction than the proposition of the Government made at that time. It was useless to deny that there was great alarm throughout the country

as to the proposed constitution of these boards.

MR. M'COMBIE said, he would give his most unhesitating and firmest support to the Amendment. He had no very great confidence in the Scotch Education Department, and believed that the proposal would have the effect of excluding all the tenant farmers of Scotland.

MR. MILLER opposed the Amendment; but at the same time he thought that members of the school board should have some connection with the parish.

MR. BAILLIE COCHRANE said, he hoped the hon. Baronet would take the sense of the Committee upon his Amendment. In some parishes there were so many electors that the choice of a school board would virtually amount to a contested election.

MR. MAXWELL knew that in some parishes there would be a difficulty in getting properly qualified persons selected, and that the schoolmasters felt great anxiety at the prospect of inferior men finding their way on to the board. The limit of £100, perhaps, was too high, and he would suggest that it should be put at £50.

MR. GRAHAM believed the disposition of the people of Scotland invariably would be to elect persons of wealth and position, where those were found willing to serve; and, accordingly, he thought it better to trust the people of Scotland than to establish any principle of selection.

MR. CANDLISH said, there was no such restriction in the English Act, and wondered how the new plan would work across the Tweed.

MR. FORDYCE said, the Amendment appeared to be founded on a distrust of the tenant farmers.

LORD HENRY SCOTT said, the Amendment simply provided that a certain number of the present managing bodies should be connected with the managing bodies of the future. A similar proposition was made by the Government in 1869, and the Lord Advocate himself said that the heritors had been an excellent managing body. There was another reason for their connection with the managing body in future—namely, that many schools were largely dependent upon their voluntary contributions. He agreed that a £50 qualification would be better than a £100 qualifi-

fication, and this was one of the points on which concession by the Government might be reasonably expected. He thought the Amendment a reasonable one, and would vote for it.

SIR ROBERT ANSTRUTHER said, he hoped the Committee would not be divided on the Amendment, or that the Amendment would be decisively rejected. It was entirely reactionary, and opposed to the spirit of the Bill, and also that of the English Bill. The English people were allowed to elect their own school boards freely, and why should there be an *ex officio* element on the Scotch boards? The Scotch people elected their own religious ministers, and were they any less fit to elect the managers of their schools? It would be infinitely more satisfactory to the heritors themselves to be placed on the school boards by the free votes of the people than in virtue of the value of their property; and there was no fear but that the heritors would be elected. Any fear that the electors would elect bad managers was absurd.

MR. ELLICE said, he thought there was much to be said on both sides of the question. No doubt, in one half of Scotland boards would be easily composed of a superior class of people, who would undertake the management with alacrity; but in the other half of Scotland there would be difficulty in obtaining good members. The Poor Law machinery of one half of Scotland was conducted by heritors or their agents. The distinction proposed was an invidious one, and it was an unanswerable argument against it that there was no such distinction in England. If heritors accepted it they must also consent to a continuance of their exceptional assessment. On the whole, he would recommend the withdrawal of the Amendment.

MR. M'LAREN concurred in the recommendation to withdraw the Amendment, but not in one of the reasons assigned for it, because the question of the payment of the heritors had still to be discussed, and he regarded those payments as national property. The remark that had been made by the hon. Member for Sunderland (Mr. Candlish) as to the absence of any distinction in the English Act ought to be conclusive.

SIR GRAHAM MONTGOMERY said, he thought school boards quite unnecessary in small parishes, except when there

was a deficiency of educational means, and then he would approve of them. He would cordially support the Amendment.

MR. M'COMBIE maintained that, as the tenant farmers paid half of the salaries of the schoolmasters, it would be unfair not to give them a voice in the election of the schoolmasters.

SIR JAMES ELPHINSTONE said, he had lived in the county of Aberdeen for very nearly as long as his hon. Friend (Mr. M'Combie), yet he had never heard of a tenant farmer paying a shilling of the schoolmaster's salary. There was one point which ought not to be lost sight of—more especially as the heritors had been attacked in the manner they had been. In his own recollection, there was not a school or a school-house in that county which had not been rebuilt at the expense of the heritors, and increased accommodation given. He wished to say a word on behalf of the schoolmasters, who were in a state of terror on account of this Bill, because they believed they would be subject to the domination of an illiterate body, who were perfectly and utterly incompetent to control them. The schoolmasters were at present a most respectable body of men, many of them Masters of Arts, and many also preachers of the Gospel. If, however, the Committee gave power to every collier who paid £4 rent to control the election of the schoolmaster, he pitied the poor schoolmaster. He would support the Amendment, believing that the clause as it stood would cause a serious deterioration of the education in Scotland.

MR. MACFIE suggested that the hon. Baronet (Sir Edward Colebrooke) should amend his Amendment by adding after "owner" the words "and occupier" so as to meet the view of the hon. Member for Aberdeenshire (Mr. M'Combie). If that alteration were made, he should support the hon. Baronet's proposal.

MR. GORDON said, that undoubtedly there was a very great anxiety throughout Scotland with reference to the constitution of school boards under this Bill, and also with reference to the position which schoolmasters would hold. If the hon. Baronet went to a division, he would certainly go into the Lobby with him. It had been asked why they should make a rule for Scotland which did not exist in England. The reason

Lord Henry Scott

was that in Scotland the parochial schools possessed a higher style of education than in England. He was of opinion that for the sake of the future prosperity of the country that higher style of education should be maintained, and if possible extended. What they were apprehensive of—and the apprehension was not confined to parish teachers alone, but was maintained by many connected with the Universities—was that the Bill would have the effect of deteriorating education. The electors, they feared, would be satisfied with what was commonly and popularly known as “the three R’s.” He did not think the hon. Baronet ought to be exposed to taunts with respect to the exclusion of the tenants, because he had stated his willingness to add to the body of electors tenants who paid a certain rent.

THE LORD ADVOCATE said, it was impossible for him to consider an Amendment proceeding from the hon. Baronet (Sir Edward Colebrooke) otherwise than with sincere respect, but he must oppose the present one. He had listened with some surprise to the reasons advanced by the hon. and gallant Member for Portsmouth (Sir James Elphinstone), and by his hon. and learned Friend opposite (Mr. Gordon) for supporting the Amendment. In both cases their reasons seemed to be something like a distrust of the people of Scotland, and yet within the last few days they had both lauded those very people. The hon. and gallant Member said two days ago that the people of Scotland might well be trusted with the administration of the paltry sum of £250,000 a-year. In that case, the people were not to have the administration of the fund in their own hands; but in this case the question was as to trusting the people themselves. Could they not trust them with the management of their own schools—that was to say, with the election of boards qualified to manage the schools in which their children were to be educated? The people of England could be trusted to do that; but it was now said that the people of Scotland could not be so trusted, because they had no desire for the education of their children except in “the three R’s.” The hon. and gallant Gentleman said they would look to cheapness, and not to education. Was that a true account of the people of

Scotland? He denied that it was. The hon. and gallant Gentleman who spoke so often in this discussion did not represent any Scotch constituency, and whether he spoke in praise or dispraise of the Bill, was not an authorized exponent of the views of his countrymen. His own belief was that the people of Scotland did care for the education of their children, and that they would elect the best men to manage their schools, and would not be satisfied with “the three R’s.” One objection to the Amendment was that in some parishes the school boards would be so large as to be unmanageable; in others, the board would consist of the proprietor and an elected member only.

SIR JAMES ELPHINSTONE said, that the learned Lord had alluded to him in complimentary terms, and informed the Committee that he was not a Scotch Member. He begged leave to tell the right hon. and learned Gentleman that he had addressed Scotch constituencies, but was found deficient in some of the qualities which were necessary to suit them. He was found deficient in that hypocrisy which it was necessary to possess in approaching a Scotch Liberal constituency. However, having been rejected, he had found an honest constituency, with whom he intended to remain as long as they thought fit to return him. He believed that what lay at the root of the clause was kept carefully out of view. When he looked at the benches opposite, the thing was perfectly explained. There was not one hon. Member from Ireland to be seen. They were absent from the debate, but present at the division, simply because if they forced these boards upon the people of Scotland, they intended to do so with the people of Ireland also, and the consequence would be that they would place the education of the people of Ireland in the hands of the parish priests. Who would be accountable for this but the Members from Scotch constituencies, who, he believed, were in league with the Roman Catholic Church.

SIR EDWARD COLEBROOKE said, he had hoped that the Amendment would have been discussed in a different spirit, and could not see why he should have been attacked as he had been. The English system had been alluded to; but that system was the result of a com-

promise. He failed to see why a system which worked admirably in Poor Law administration should not be applied to education. He would not give the Committee the trouble of dividing.

Amendment, by leave, *withdrawn*.

MR. ANDERSON moved, in page 4, line 2, after "burgh," to insert—

"But having regard in the case of a burgh, as far as possible, to the number of wards into which such burgh may be divided for municipal purposes, and, if the number of wards shall exceed fifteen, then the number of members shall be increased so that there shall be one member for each ward."

THE LORD ADVOCATE said, there would be no connection whatever between the wards and the boards, which would be elected by the whole constituency. He hoped the Amendment would not be pressed.

Amendment, by leave, *withdrawn*.

MR. ORR EWING moved, in page 4, line 8, to leave out the words "or occupiers," and to insert, in line 9, after "pounds," "and occupiers of lands and heritages of the value of not less than ten pounds." In the first place, he wanted to have a more intelligent and a smaller constituency, which did not require an "illiterate clause" similar to that which had been introduced into the Ballot Bill. The next—and in his eyes the most important—reason for proposing the Amendment was, that families who lived in houses below £10 ought to be relieved from this new burden. In his opinion, they did their duty sufficiently at present both to their families and to the commonwealth if they paid for the education of their own children. The Lord Advocate might say that he wished to interest these parties in the education of the children; but the elections for the school boards in the London district afforded an illustration that the poorer classes did not take much interest in them. Again, he objected to the clause in its present shape, because it did not prevent persons from voting who did not pay their rates. Besides, if the rate were likely—as the hon. Member for Edinburgh (Mr. M'Laren) had said—to be as high as 1s. in the pound, it would be one of the heaviest rates in any city or town. As the people of Scotland had always had education provided for them hitherto without a rate, he was sure this proposal would not be at all

acceptable to them. In England, moreover, they had only elected about 400 school boards, while in Scotland there would at once be found 1,200 of them, which would cause additional expense, so that Scotland would be more heavily taxed than in England, as there would be a local board everywhere. It might be said, however, that this system was already adopted in England, and that there was no reason why it should not be extended to Scotland; but it should be borne in mind that there were considerable differences between the two countries. In England, for example, there was no provision for endowing schoolmasters similar to that which in Scotland tended to sustain the status of the teachers. He believed we should get such inferior teachers in a short time we should be obliged to endow them in the same manner as was now done in Scotland.

MR. M'LAREN said, he was afraid his hon. Friend had misunderstood his remarks about the amount of the education rate. He did not mean them to apply generally to large towns; but said that, according to the best calculation he could make, 6d. in the pound would produce £50,000 in Glasgow, which sum, he imagined, would be much more than would be required to carry out the Act.

THE LORD ADVOCATE said, he could not accept the Amendment of the hon. Member, because there was no principle in it. He could not consent to give votes to owners of houses under £10 a-year, and refuse to give them to the occupiers. The principle of the Bill was to give to the parents of the children attending the schools a voice in the management of the schools—not directly, but by making them influential parts of the constituencies by which the managing boards would be elected. The hon. Member had alleged that many of the poorer classes would find it very burdensome to pay the school rate. Now, suppose it was as high as 6d. in the pound—one moiety to be paid by the proprietor and the other by the tenant—the occupier of a £4 house would have to pay 1s. a-year, for which sum he might have a number of children attending the schools. If he had a £10 house he would have to pay just 2s. 6d. a-year for education. He did not think the people of Scotland would exclaim

Sir Edward Colebrooke

against that as being burdensome. It should be remembered that they would get full value for their money, and in a manner, perhaps, which they could appreciate better than any other people. The proprietors of lands and heritages would, on the whole, pay not only as much as heretofore, but more, as they would have to contribute a full half of the whole school rate. Again, the contributions out of the Imperial funds would be much larger than hitherto. His hon. Friend apprehended that the schoolmasters would not be paid as well as they were at present; but where, then, was the money to go to? The matter would be under the Government to a certain extent, and under the school boards elected by the people to a certain extent, and he supposed they would pay what was needed in order to secure such education as the people desired; while, at the same time, they would not be extravagant, and pay more than was required. The poor people to whom his hon. Friend had referred would get for the tax an immediate return which they highly valued, for the additional money must lead to a great increase both in the quantity and the quality of education in Scotland, unless the money were absolutely squandered away.

MR. CAMERON opposed the Amendment of his hon. Friend the Member for Dumbartonshire (Mr. Orr Ewing), inasmuch as its result would be to deprive the poor tenants of any power of management which they might be able to exercise in educational matters through the elections for school boards.

Amendment negatived.

MR. MILLER moved, in page 4, line 10, after "burgh," to insert—

"And who are not in arrear of any assessment for poor's rate or school rate which may have become due and payable prior to the date on which the electors exercise their votes."

He had put that Amendment on the Paper because similar words were in the Poor Law Act of 1845, which was the general rule of the mode in which business was transacted in parishes. In his opinion, people who were not able to support what was wanted in the parish ought not to have a voice in the direction of it.

THE LORD ADVOCATE opposed the Amendment, saying that he, too, was following a precedent, for there was no

such provision in the English Act as that proposed by his hon. Friend. It was difficult to see, moreover, why the fact of a man getting into arrears for a poor rate should be a disqualification, any more than his getting into arrears for any other debt.

MR. ORR EWING said, he thought it would be more satisfactory if the Lord Advocate had argued on the merits of the proposal than say that he followed the example of the English Act. He did not think it right that anyone who did not pay his rates should be allowed to exercise the franchise. He trusted his hon. Friend would go to a division.

MR. M'LAREN, while agreeing that the Amendment was quite right in principle, doubted very much whether it was expedient to enact it now.

MR. ORR EWING pointed out that the effect of the Amendment would be to make the constituencies for school board elections the same as those for the election of Members of Parliament.

MR. MONK thought there was no reason why the Government should be asked to make one rule for Scotland and another for England, and trusted they would not accede to the Amendment.

MR. GORDON remarked that the difficulty of the compound householder did not exist in Scotland, and it would be judicious to avoid having amongst these electors a number of persons who would not only be unable to pay the rates, but would have to apply to the school boards for the fees to give their children gratuitous education.

THE LORD ADVOCATE said, he hoped the hon. Member would not press his Amendment, as he might re-consider it before reaching the clause providing for the future elections.

Amendment, by leave, withdrawn.

MR. M'LAREN moved, in line 13, at end of sub-section, add—

"Provided, that any person who by any law or custom has been or is now exempted from payment of poor's rate, by virtue of any office he may hold, may, on payment of the said rate for the preceding year and of the school rate levied therewith, and on his declaring that he is willing to continue to be charged with and pay the same annually, be entitled to vote in the election of the school board, and be eligible to be elected a member thereof."

He said his proposal went entirely in an opposite direction to that of his hon. Friend, inasmuch as its object was to

make the rule in Scotland and England uniform, instead of varying it. In Scotland the clergyman of the parish paid no poor rate either on his residence, or his salary, or his glebe; and while the Bill proposed that the school rate and the poor rate should be levied together, no provision whatever was made in it for this exemption. It was contrary to principle that a gentleman should be elected to the school board who was not liable for the school rate or the poor rate.

THE LORD ADVOCATE sympathized with the opinion of the hon. Member for Edinburgh, that Established ministers ought to pay local and other taxes; but he was under a misapprehension in supposing that they were not liable to pay in respect of incomes. The Act of 1845 provided for liability to taxes on the part of the parish ministers in Scotland, and consequently there was no necessity for introducing a clause in the Education Bill to abolish the exemption. It might be desirable to deal with that matter at a more convenient opportunity, and in a Bill directly bearing upon it. Moreover, this franchise did not depend upon taxation, but on ownership and occupancy.

MR. M'LAREN said, he would not divide the Committee.

Amendment, by leave, *withdrawn*.

SIR EDWARD COLEBROOKE, in moving that the cumulative vote should be applied to elections under the school board in Scotland, said, he did not regard this as merely a religious question. The principle of the Amendment was as applicable to Scotland as to England, and, in his judgment, its adoption was essential to the sound and satisfactory working of a united system of education. The majority of to-day might become the minority of to-morrow, and the majority in England might become the minority of Scotland or Ireland. The question was whether functions such as were entrusted to these boards could be given to a tyrant majority, which would be empowered to walk into the schools of their adversaries. The religious question—the most tender of all—was involved between the Protestants and Roman Catholics of Scotland, and unless some such provision was engrafted in the Bill one denomination would be predominant. It would be impossible to

carry out this Bill unless fair play was allowed for difference of religious opinion, so that the boards might represent the relative and various shades of belief. The principle of cumulative voting had been tried in England. Its working had been impugned; but when an attempt was made to repeal it, an amount of testimony had been brought forward in favour of the satisfactory working of the clause in England, which ought to weigh in passing a Scotch Bill. In the interest of education, and with the view of cultivating good feeling among members of different denominations, and leading them to unite heartily in the cause of education, he cordially recommended that clause to the Committee.

Amendment proposed,

At the end of the Clause, to add the words "At every election every voter shall be entitled to a number of votes equal to the number of the members of the School Board to be elected, and may give all such votes to one candidate, or may distribute them among the candidates as he sees fit."
—(Sir Edward Colebrooke.)

Question proposed, "That those words be there added."

MR. SINCLAIR AYTOUN supported the Amendment. On a question of representation he could see no ground for applying one rule to England and another to Scotland. Having supported the principle of the Amendment in the case of the English Education Bill, he could not consistently abstain from voting in favour of the present proposal. The minority ought not to rule, but, on the other hand, it should be heard; and the system which the Government had proposed with regard to the election of school boards in Scotland, while it would secure that the majority should govern, would also prevent the minority from obtaining a hearing. He believed that the hon. Baronet's clause would be very beneficial in promoting harmony.

MR. DIXON said, he was very glad to find that the Scotch Education Bill did not contain a provision for establishing cumulative voting, and hoped the Government would resist the Amendment. He agreed with the hon. Baronet (Sir Edward Colebrooke) that it was desirable that Roman Catholics should be represented; but the only qualification which ought to be admitted for a seat on a school board was an educational one, and if a Roman Catholic possessed

Mr. M'Laren

that, there was no reason why he should not be elected. He believed that would be the result where there were a large number of Roman Catholics, and men among them who were qualified for the post. A great number of Unitarians had been elected, although their religion was distinctly opposed to that of the majority of those among whom they lived. His objection to the cumulative vote was that it would introduce wrong considerations into the elections, and men would be elected for reasons which would unfit them for being useful members of a school board; and he hoped that disturbing element would not be introduced in Scotland, where education seemed more likely to be carried on harmoniously than it was in England.

SIR JOHN HAY said, he thought the great difficulty would be, in the country parishes of Scotland, to find persons who would be willing to take the trouble of serving on the school board. In the parishes generally there were three congregations besides the Roman Catholics. It appeared to him that the cumulative vote would go far to enable those congregations to return each a representative to the school board, and thereby it would remove the difficulty that would otherwise exist in getting members to serve.

MR. STAPLETON saw no reason for making a distinction between England and Scotland in this respect, and therefore, unless the Committee was prepared to make a distinction, they ought to assent to the Amendment.

MR. M'LAREN said, it should be borne in mind that there was a novel system in England, and he believed that instead of having produced harmony, it had had the opposite effect. It had caused great distrust and much hostility in some of the districts in England in which it had been in operation, and with that experience before them, it was rather too much to ask that the principle should be applied to Scotland. The only argument of any force which he had heard urged in favour of the proposal had reference to the Roman Catholics. But as regarded the rural districts of Scotland, there were hardly any Roman Catholics to be found in them. ["Oh, oh!"] Roman Catholics were chiefly to be found in the larger towns and populous places, and he saw nothing in the present system of voting to prevent

Roman Catholics from being returned in proportion to their numbers and influence in the different towns and districts in Scotland. He thought that, upon the whole, it was much better not to change the mode of voting proposed in the Bill.

MR. R. W. DUFF said, he supported the Amendment. The Committee should remember that a very fair proportion of the proprietors in Scotland were Episcopalians, and it was admitted that they had voluntarily contributed very largely to the cause of education in that country. It would not, therefore, be good policy to exclude them from all chance of being represented on the school boards of Scotland.

MR. F. S. POWELL said, he believed that the adoption of the cumulative vote in England had avoided much inconvenience and discontent that would have arisen under any other mode of voting. It was clear that only through the minority vote could the Roman Catholics be elected to the boards. He hoped that the cumulative principle, which had worked so well in England, would be also established in Scotland.

LORD EDMOND FITZMAURICE said, he thought that both in political and educational matters the principle of cumulative voting was a good one. His own defeat at the election for the London School Board was a proof that the cumulative vote did not confer an undue share of power on minorities. In many of the country districts it would be long before the party which was fonder of the rates than of education would be vanquished by the party which was fonder of education than of the rates. We were not legislating merely for the present, when there were religious difficulties, but also for the future, when there would be more important educational difficulties. It was a great mistake to suppose, as had been stated by the hon. Member for Edinburgh, that the Roman Catholic population of Scotland was almost exclusively confined to the large towns and the populous districts, for in the North there were many districts which the Reformation never penetrated, and where the name of John Knox had never been heard of until long after he was dead and buried. He had recently spent some time in the district of Braemar, in a village nearly half the population of which were Roman Catholics, and hereditary Roman Catho-

lics. He was told by the Free Kirk minister that there were many other villages in which the same condition of things existed. Seeing that this Bill had a bearing on the question of Irish education, which was to be discussed next year, he was glad to note that there were present many Irish Members who supported the principle of cumulative voting. If it were not in the Irish Bill, Irish education would be handed over to the priesthood, who would levy rates on the Presbyterian and Protestant minority. He was therefore glad to see Irish Members supporting this principle to save their co-religionists from the domination of a Presbyterian majority, because he inferred that next year they would be equally ready to prevent a Presbyterian minority being taxed by a Roman Catholic majority.

MR. W. E. FORSTER said, it had been erroneously assumed that the Bill excluded cumulative voting. It simply provided that the Scotch Education Department should frame rules for the conduct of elections, and that gave the Department power to issue rules based on cumulative voting; but he should not like the Bill to leave the Legislature without more precise direction. The question was far too important a one to be left to the discretion of a Government Department. The principle of cumulative voting was not originally in the English Bill; it was proposed in Committee, and was unanimously adopted; and though the hon. Member for Birmingham (Mr. Dixon) proposed a Resolution adverse to it last year, such was the feeling of the House that he did not press the Motion to a division. On the whole, he thought the operation of the principle had been to diminish rather than to increase difficulties, and that many who opposed it owed their election to it. This Bill did not contain more distinct provisions, because the Government had wished to see whether there was a strong preponderance of feeling in Scotland against the principle or whether there was any strong reason why it should not be applied in Scotland. The Amendment having been proposed, it was found to be supported by Scotch Members representing influential constituencies. He should be sorry to see religious questions imported into the matter; and minorities might be worthy of representation on educational grounds. For instance, it

was of importance to maintain the high standard of education in Scotland. This was a question upon which the Government did not wish in the slightest degree to dictate to the Committee. Being connected with the Department, he should prefer to be guided by a positive instruction from the Committee, but he saw no reason why there should be a law for Scotland different from that of England; and therefore, if there were a division, he should support the Amendment.

MR. GRAHAM could not but admit that the principle of representation of minorities was in some respects a just principle, if equally and justly applied. If the proposition of his hon. Friend (Sir Edward Colebrooke) was adopted, it was proposed to apply it equally to the whole area of Scotland, and upon that ground the objections which he felt to it fell to the ground. He deplored as much as anyone the habit which had grown up of introducing religious questions into politics and the commonest affairs of life, and said the true radical cure was for Christian people to see that no child was left uninstructed in the matter of religious belief; and until that was done he sympathized with those who objected to the exclusion of the religious element from the schools of the country. As long as religious education was permitted to continue in schools, in fairness and common honesty the majority were bound to extend to those who differed from them in opinion the protection of the cumulative vote. Looking to future legislation as well, it was impossible not to see that Irish Protestants would desire to have a voice in the constitution of the school boards in that country. Desiring, therefore, to do what was right to others, he should vote for the proposed addition to the clause.

MR. CRAUFURD, in spite of the eloquent sermon to which the Committee had just listened, expressed what he believed to be the universal objections of his constituents to the cumulative vote. He also complained of the course taken by the Vice President of the Council, in perfect consistency with his previous course upon the Ballot Bill. The right hon. Gentleman told the House in the early part of the evening—and had repeated the declaration in private conversation—that he should be guided by the opinions expressed by the Scotch Members. Hav-

Lord Edmond Fitzmaurice

ing heard but a few of these, however, the right hon. Gentleman rose and pre-judged the question by declaring his own opinion in favour of the cumulative vote. It was unfair to Scotch Members that they should thus be precluded from expressing their opinions, for, though they might express them verbally, if they attempted to give effect to them by a vote they all knew what their fate would be after such a declaration on the part of the right hon. Gentleman. With very few exceptions, the Scotch Members, he ventured to say, were opposed to the cumulative vote; and, though he belonged to the Episcopalian Church, he should scorn—as he believed Episcopalians generally would scorn—to ask for any such protection. [Mr. R. W. DUFF said, the Episcopalians had universally petitioned in favour of it.] If that were so, he (Mr. Craufurd) was ashamed of them. He preferred to give freely to the people of Scotland the control of their education, because he had faith in the interest Scotch people took in the subject of education. The speech of the hon. Member for Lanarkshire (Sir Edward Colebrooke) was a slur on the Scotch people. He denied the accuracy of the suggestion which had been made that the department had the power of giving a cumulative vote. It would be absurd to say that general powers of regulating an election carried with them the power of conferring a particular franchise.

MR. W. E. FORSTER complained that the hon. Member should have taken the very unusual course of referring to private conversations; but he assured him that he had said nothing more in private than what he had openly stated in the House. Of course, it was a matter on which the Government desired to know the opinions of Scotch Members; but the Bill would make very little progress if the Government waited until every Scotch Member had expressed his opinion.

MR. ANDERSON did not agree with the views of his hon. Colleague (Mr. Graham), who did not, he thought, represent the opinions of the constituency of Glasgow on this matter. He (Mr. Anderson) regarded the cumulative vote as a clumsy experiment, which ought not to be extended to Scotland until time had proved whether it was a good thing or a bad thing in England.

MR. PIM said, he thought it would be more satisfactory to Irish Protestants to be returned by the cumulative vote than to be left dependent on the kindness and good feeling of their Roman Catholic brethren in the three southern Provinces.

Question put.

The Committee *divided*:—Ayes 162; Noes 36: Majority 126.

Clause, as amended, *agreed to*.

Clauses 9 to 18, inclusive, *agreed to*.

Clause 19 (School board declared to be a body corporate. Managers.)

MR. GORDON moved, in page 8, line 39, after "fit" to insert—

"To fix the subjects of instruction to be taught in the school or schools under their management: Provided always, That in all such schools there shall be afforded instruction in the Holy Scriptures, and."

The hon. and learned Gentleman observed that the insertion of those words would carry out the spirit of the Resolution which upon his Motion the House adopted some time ago. If this question was important before Monday last, it became of greater importance in consequence of a clause being then passed which destroyed entirely the constitution and government of the parochial schools in Scotland. If those schools had been left to the people of Scotland they would have been models, after which other schools might have been formed. Under the parish schools as existing at present, the law and practice was that instruction should be given to the children in the Holy Scriptures; but on Monday last the Committee did all in their power to abolish the system of definite religious instruction, which had existed for 300 years. The English Bill of 1870 left religious teaching in denominational schools untouched, subject to a Conscience Clause; but the constitution of the parish schools in Scotland having been destroyed by a recent vote of the Committee, they were bound to make some provision for religious teaching. He trusted that his Resolution of the 7th of May would be adhered to. He would not repeat the arguments he then used, for they were never answered, being met by silence on the other side of the House. The representatives of the different churches had since met.

The assembly of the Established Church consisted not merely of clergymen, but of laymen representing the various burghs, and a resolution approving his Resolutions was adopted by it, with the concurrence of the Provosts of Edinburgh and Glasgow, and of men of all political opinions. One of the speakers—a gentleman who proposed the Home Secretary at his last election—expressed a hope that instruction in the Scriptures should be made statutory by the Government. The Free Church, or at least two-thirds of their Assembly, declined to offer an opinion on his Resolution, because it might not be approved by the Government—not a very high principle on which to act; but they still said—as they had always done—that they would welcome any such provision as he advocated. It had been stated that he would force on all schools not only the Bible, but the Shorter Catechism—an admirable epitome, identical in doctrine with the Thirty-Nine Articles. This, however, was incorrect, for his Resolution left denominational schools untouched as regarded religion, and applied only to rate-supported schools, which were said to be the same as the old parish schools, and in which, therefore, the long-established practice ought to be continued. As to the United Presbyterians, they had not hitherto shown a very active interest in education, having largely sent their children to the parish schools without any objection to the religious teaching, and having only established 49 schools of their own, accommodating 4,500 scholars. They were opposed to the recognition even of the Scriptures as part of the instruction to be given by the master, contending that religious teaching should be given at a different hour by a different agent. It was stated at their synod by Dr. Taylor and others, that, according to the Bill, whatever money was voted for schools would be exclusively for secular instruction, and that the Lord Advocate, on being asked whether the object of the measure was not to prevent the application of public money to anything but secular instruction, had replied that that was certainly its intention. The synod, accordingly, approved the Bill as a secular one, under which no rates could be applied to the teaching of religion. The Lord Advocate had twitted him with advocating a denominational system; but he was in

favour of a national system on sound principles, and he objected to the exclusion of any reference to the Bible or religious instruction, for the people of Scotland, being attached to the present system, which had worked so beneficially, would reject one which gave no recognition to religion. The children of different bodies had hitherto attended the parish schools, no religious difficulty having existed, but since the introduction of this Bill societies had for the first time been established for the exclusion of religious teaching from schools. One of these was styled a Society for the Promotion of Religious Education, an object which, strangely enough, it proposed to effect by excluding such education from the schools. Another society maintained that religious instruction should not be given during the ordinary school hours, nor by the master. The formation of these societies rendered it desirable that Parliament should settle the question of religious teaching, for otherwise warm contests were likely to ensue. The learned Lord Advocate the other night made some remarks about Petitions, and adopted a tone which, on reflection, he would hardly think was justifiable. He had spoken of servant girls being induced to put down their names to Petitions which they did not understand. Well, singular enough, later that very night he himself received a letter telling him of a Petition that was transmitted to him from Stranraer, the largest burgh connected with the district which the Lord Advocate represented. There must be intellectual electors in Stranraer, seeing that they returned so able a Representative; and, moreover, they had had the advantage of being well drilled on that subject by their Member. What, then, was his astonishment to find that, there being 650 electors available at Stranraer, 451 of them had signed the Petition in favour of his Resolution. Would the learned Lord say that was not a Petition entitled to consideration? In conclusion, if they were sweeping away the present system, they ought to take care to found their new system to some extent on that religious instruction which had existed so long in accordance with the feelings of the people of Scotland. The hon. and learned Gentleman concluded by moving his Amendment.

Mr. Gordon

Amendment proposed,

In page 8, line 39, after the word "fit," to insert the words "to fix the subjects of instruction to be taught in the school or schools under their management: Provided always, That in all such schools there shall be afforded instruction in the Holy Scriptures, and."—(*Mr. Gordon.*)

Question proposed, "That those words be there inserted."

DR. LYON PLAYFAIR: The Amendment proposed by my hon. and learned Friend (*Mr. Gordon*) is very simple, and is confined to Bible teaching only; but he has honestly told us that we must assume it is the first effort to carry into practical effect the Resolution which he recently persuaded this House to accept, and which reappears as an Amendment to Clause 50, and more definitely as one to the Preamble, for that explains the whole principle for which he contends. In fact, then, we must take the Resolution as a whole in our discussion, and assume that all schools shall have instruction in the Holy Scriptures according to the existing law and practice. There is no doubt as to what the practice is, though there seems to be opposite interpretations of the law. The practice—or, as it is termed, "the use and wont"—is to give instruction in the Bible, subject to the dogmas of the Shorter Catechism. This practice is not universal, but it exists in about 86 per cent of the schools in Scotland. The law on which my hon. and learned Friend chiefly relies is that of 1861, which made it imperative on teachers of parochial schools to make a declaration, not only that they would teach nothing opposed to Holy Scriptures and the Shorter Catechism, but that they would faithfully conform thereto in their teaching. My hon. and learned Friend the Lord Advocate contends, as I understand him, that this is a negative and not a positive law, and that it does not enjoin of necessity the teaching of the Holy Scriptures either at all or in conjunction with the Shorter Catechism. He views it very much like the declaration which the Act of 1853 required from University Professors, and which clearly was negative, because it would be absurd to speak of Latin, Greek, mathematics, and the sciences being taught in conformity with the Shorter Catechism. When two distinguished Scotch lawyers, such as the present and the past Lord Advocate, give such different interpretations of the law, an outsider like myself is driven to

consider the purposes for which the Act of 1861 was passed. I have, therefore, carefully read over the debates in both Houses of Parliament when that law was made, and I find the clearest evidence, that only one idea then prevailed, and that was to make it compulsory on parochial teachers not only to give instruction in the Holy Scriptures, but to give that in conformity with the interpretation of the Shorter Catechism. Lord Advocate Moncreiff introduced the Bill of 1861, with an apology that in abrogating the Confession of Faith and submission to the Church of Scotland as a schoolmaster's test, he was at the same time actually proposing another test. He said—

"The Bill provides that they should teach the Holy Scriptures and the Shorter Catechism as set forth by the Westminster Confession of Faith."
—[*3 Hansard, clxiii. 1844.*]

Mr. Adam Black, in opposing the test, remarked—

"At present all that was necessary was a Confession of Faith; and the teacher was not bound to teach any theological doctrines, but this Bill proposed to lay down that he should teach doctrines in accordance with the Short Catechism."—[*Ibid., 1845.*]

Neither at the second reading nor in Committee was there the slightest departure from the view that this double object was the positive purpose of the Bill. When the Bill passed into the Upper House, the Duke of Argyll, who introduced it, said—

"What was now proposed was merely that the schoolmaster should sign a declaration that he was willing to give moral and religious education in conformity with the Shorter Catechism."

Read them by the spirit in which the Act of 1861 was passed, I agree with the right hon. Gentleman the Member for Oxford University (*Mr. G. Hardy*) that it is quite clear the purpose of the Act of 1861, and its common sense reading, is to impose religious teaching, subject to the Shorter Catechism in all parochial schools. So far, then, the law and practice of Scotch schools are concordant in purpose, but they are not so in extent; for while the practice extends to 86 per cent of the schools in Scotland, the law only reaches 24 per cent. The law, in fact, is strictly limited to 1,200 parochial teachers, out of 5,000 teachers of elementary schools; but my hon. and learned Friend the Member for the Glasgow and Aberdeen Universities asks to take this law of very partial

operations not applicable to one-fourth of the schools of Scotland, and make it of universal application to all the schools in Scotland. If I have made myself clear, the House will understand that the question before them is not whether they will introduce the Bible into schools, but whether the Bible shall be taught as explained in the Shorter Catechism—for that is the practice—and, as I have shown, it was undoubtedly intended to be the law in regard to parochial schools, whether the words of the Act bear out that interpretation or not. The House, then, in passing a Resolution some weeks ago to the effect that this law and practice should form the basis of this Bill, did in reality resolve that, in all State aid to schools in Scotland, the condition must be made that religious instruction should be given according to the most rigid forms of Presbyterian Calvinism. Are the Episcopalians and Roman Catholics in this House prepared to accept this condition for aid as applied to schools of their persuasion in Scotland? For the bare Resolution would destroy separate denominational education as a system, and would establish a State education on the basis of the dominant denomination. Are the Presbyterian Members for Scotland prepared to extend this principle to Ireland, for they must inevitably do so if they pass it for Scotland? Do not let us be in any deception about the effects of the Resolution. The law, so far as it exists, and the practice of Scotland, which you now propose to convert into law, are perfectly in accord, and both demand religion as interpreted by the Shorter Catechism, with its well-pronounced views as to predestination and election. If we incorporate the words proposed as a condition of State aid to schools, all Episcopalian schools must either accept the Shorter Catechism in lieu of that of the English Church or be refused Government grants, and Roman Catholics must be content to have their Douay version of the Bible interpreted by the light of the Scotch Churches. Now, let me tell my dissenting friends on this side of the House what follows of necessity. If these words govern the Act, then the Act would enjoin a particular form of dogmatical religion, and thus make that the condition for State aid to schools; but when State aid is thus given, State inspection follows as a necessity, so that in Scotland

Dr. Lyon Playfair

State aid to dogmatic religion and dogmatic religious inspection by the State would be enacted, while both are expressly prohibited in regard to schools in England. These would be the consequences of introducing the words that religious instruction should be given according to the "existing law and practice of Scotland;" but observe how the case stands if you make no such enactment. Then, the use and wont or custom of the country still prevails as of old. Under it 86 per cent of the schools teach the Bible and the Catechism; but they do so under the liberty of withdrawal to those who dissent from the teaching. This custom does not interfere with Episcopalians and Roman Catholics teaching what they please, though they receive aid from the State. As long as you leave religious instruction to be regulated by custom you are reposing with security on the religious sense of a whole people; but as soon as law enforces what custom produced without law, then you distrust that religious sense. Which do you think is the best security for religion? Do you believe that religion, which for past centuries has wholly sprung up from the hearts of a people, is likely to well up more freely in the future from the arid clauses of a compulsory law? How strange a thing it seems to enact a love for the Bible by statute! Has the love for the Bible in Scotland become so weak that you must come between the source of that love and the people by a legislative enactment? And yet the strange reason urged for this legislation is that it would merely represent in law the universal use and wont of the country without law. Religious instruction is given in every school in Scotland with one solitary exception, and you are asked to enforce it by statute. It has so prevailed for centuries—ever since the time of John Knox, and most certainly cannot have its origin in the partial declaratory law of 1861, which is only applicable to 24 per cent of the schools. Its origin must be far deeper than that, and is to be found in the habits, convictions, and religious sense of a whole people—and yet this Parliament, having the most solid grounds for trust and confidence that any Legislature can have in a people which it helps to rule, is asked to distrust my countrymen, to coerce them into religion, and to control their ideas

of eternity by an Act of Parliament. The very universality of a voluntary custom is surely a strange occasion for a compulsory law. A habit may be universal, and even most desirable; but that forms no reason why it should be made obligatory by statute. Thus, it is the universal custom of Scotch mothers to give milk to their newborn babes, and it is a most proper and desirable habit that they should continue to do so; but would we not be considered legislative idiots if we passed a statute to that effect? It is quite as universal to teach the Bible in Scotch schools, and it seems an equal waste of the force of law to compel it. I rarely like to refer to my personal convictions; but will hon. Gentlemen opposite pardon me if I remind them that I have not unfrequently co-operated with them in resisting attacks made upon religious instruction in schools in England. In opposing the efforts of my hon. and learned Friend, it is not likely that I could be influenced by feelings of hostility to religion, for then I would be a traitor to the highest interests of my country. I oppose the practical operation of the Resolution which was passed, because I am firmly convinced it will seriously damage religion in Scotland, for its effect would be not to enforce religious instruction, on which all are agreed, but to regulate that by certain forms of Presbyterian Calvinism on which there is no common agreement. Even where the dogmas are accepted, the State interference with them will stir up bitter hostilities. There are three Churches with common Articles of Faith which divide between them 86 per cent of the population of Scotland; but one of these, the United Presbyterian Church, contends that the State and the schoolmasters should have nothing to do with religious teaching in schools, and claims that as the function of the parents and of the Churches. Is it not clear that you will throw this important body in antagonism to your school system if you enact by law that both the State and the schoolmasters shall be compelled to do that which is in direct violation of its principles as a Church? But it is not the only body which you stir into active opposition by such a proceeding. There are two Education Leagues in Scotland. One has its head-quarters in Edinburgh, and advocates united secular teaching under the schoolmasters, and

separate religious teaching by ministers of religion; the other has its headquarters in Glasgow, and advocates instruction in the Bible without any creeds and dogmas; for they contend, and I think with great truth, that no book in existence is less sectarian and less dogmatic than the Bible, and that the creeds and dogmas thrown over it like a pauper's pall by the various Churches arise from the poverty of men's conceptions. Is it not obvious that these three important bodies will oppose a school system based on the Resolution which we have passed? One thing unites these three bodies in common with all the people of Scotland, and that is, that religious instruction should be given in schools. All of them are tending to this one end. But you come between them and their conscience, and say that a particular way of imparting religious instruction, by the aid of the Shorter Catechism, shall be the only way for the future. You little know the spirit of the Scotch people, if you think they will quietly submit to this insult to their religious convictions when they realize what it means. It will give the greatest stimulus to the action of those different bodies, and instead of preserving the use and wont, it will greatly tend to produce variety in the custom of the country. In England, the Education Act gave the greatest freedom to religious and even to secular teaching; but now, if the words of the Resolution mean anything, Scotland cannot have secular schools aided by the State, nor, unless you provide specially to prevent the limiting effects of the "existing law and practice," can there be any denominational teaching when it is not in accord with the Shorter Catechism? The few Secularists will be made martyrs, and martyrdom is a soil which is wonderfully productive. The 14 per cent of Episcopalians and Roman Catholics will be left out in the cold, or must be brought in, contrary to the true meaning of the words which we are called upon to make law. I am sorry that I have spoken at such length in Committee; but the terms of the Resolution which we are called upon to give practical effect to, or substantially to reverse, are fraught with important consequences to Scotland. My hon. and learned Friend (Mr. Gordon) would not have proposed it if he had not thought he was doing good service to religion. I, on the other hand, think

it will rapidly deteriorate religious instruction in our schools; that it will evoke a spirit of hostility to that instruction; and that it seriously interferes with the liberty of conscience. As a security for religion, it appears to me to be infinitely less potent than the religious sense of the people which produced the use and wont. Religious instruction ceases to have its strength in national custom the moment you make that statutory, and your distrust and rejection of the religious sense of an entire people will have little compensation in the verbal interpretations which lawyers may extract from the dry clauses of an Act of Parliament.

MR. PERCY WYNDHAM said, he thought that the most important object that the Committee should have in view was to carry out the wishes of the people of Scotland, who he was afraid in the present case were not fully represented by the Scotch Members. It must always be a misfortune for a locality to have all its representatives on one side of the House on particular occasions. This was a Bill brought in by the Government, and it was universally supported by the Scotch Members, who regarded themselves as bound to give their allegiance to the Government rather than to carry out the wishes of their constituents. This Bill went far beyond the English Education Act. The only effect of leaving the Bill as it now stood would be to give facilities to a small section of secularists to raise up acrimonious religious disputes.

MR. KAY-SHUTTLEWORTH remarked that when the English Education Act was under discussion the right hon. Baronet the Member for Droitwich (Sir John Pakington) had proposed an Amendment precisely similar to that now under discussion; but the right hon. Gentleman the Member for the University of Oxford (Mr. G. Hardy) had spoken against it, and it had been rejected by a majority of 250 to 81. He hoped the Committee would not adopt the Amendment of the hon. and learned Gentleman opposite (Mr. Gordon). Surely there was no need whatever for Parliament to make that which was the universal practice in the Scotch schools compulsory.

DR. BALL took quite a different view of this Amendment from that taken by the hon. Gentleman the Member for

Dr. Lyon Playfair

the University of Edinburgh (Dr. Lyon Playfair). So far from this Amendment enforcing dogmatic teaching, it excluded dogmatic teaching. ["Oh!"] It appeared to him that what the hon. Member for the University of Edinburgh advocated was this—that it should not be in the power of those who governed these schools to enforce dogmatic teaching. He (Dr. Ball) supported the Amendment because instead of increasing that system, it tended to mitigate it. All it proposed was that the sacred Scriptures should be taught in the schools, not dogmatically, but simply. He voted for this Amendment because he believed the Scotch people desired it, viewing what it enjoined as a homage to the Scriptures. He was surprised to hear hon. Gentlemen opposite object to this Amendment, because one of their greatest authorities—namely, Earl Russell—had expressed himself to the effect that the course proposed by this Amendment was the proper mode of dealing with the Education question. The people of Scotland were anxious to have some recognition of religion in their education, and he (Dr. Ball) believed that it could not be done more fairly, or with more justice to the various forms of religion in Scotland, than by this Amendment. He did not pretend to say that only one uniform system of education was to be adopted, or that if this were not a Bill relating to education in Scotland the course proposed by his hon. and learned Friend (Mr. Gordon) was in every case to be followed; but if they were to have regard to the feeling of the people of Scotland, he believed they should adopt the Amendment.

MR. GLADSTONE said, the clause with which the Committee were dealing was not a clause that related to the subject-matter of instruction at all. The hon. and learned Gentleman (Mr. Gordon) had taken the opportunity of thrusting his scheme for religious instruction into a clause on the constitution of the school boards. But the Committee were not to be put from their purpose by a stratagem of that kind. During the progress of the Education Bill for England in 1870, the right hon. Gentleman the Member for Droitwich (Sir John Pakington) for the first time, and the noble Lord (Lord Augustus Hervey) subsequently, moved that the reading of the Holy Scriptures should be compulsory in schools; but

the House by very large majorities, and without distinction of party, determined not to introduce that compulsory clause. They had heard something about a *corpus vile* in reference to this question, and it appeared that Scotland was to be selected for the purpose. It must be remembered that it was not the law of that country at this moment that religion should be taught in school. The hon. and learned Gentleman invited the Committee to adopt an innovation. The right hon. and learned Gentleman who had just sat down had quoted an authority which he said ought to be one of the highest authorities of the Liberal party. He (Mr. Gladstone) would quote a gentleman who ought to be of very high authority with the right hon. and learned Gentleman. Dr. Cooke said the religious spirit and system of the schools of Scotland were secured not by religious teaching, but by placing the schools under the jurisdiction of the Presbytery. That was the ancient law of Scotland, which was relaxed in 1861, and what was now proposed by the Amendment was a complete innovation? Why? Because it was said that it was the wish of the Scotch people to have the Scriptures read in their schools. As well might it be said that it was the wish of England that there should be compulsory reading of the Scriptures, because in point of fact they were so read in all schools, with a few exceptions. The House had refused the proposal to pass a compulsory clause on the subject; yet it was urged to do so now in the case of Scotland.

MR. GATHORNE HARDY said, the right hon. Gentleman would allow him to observe that the Amendment proposed in the case of the English Education Act was that—

"The Holy Scriptures shall form part of the daily reading and teaching in such school, but no religious catechism or religious formulary which is distinctive of any particular denomination shall be taught therein."

MR. GLADSTONE said, that he was glad that the right hon. Gentleman had read the whole of the Amendment; but he was entitled to refer to the speech of the right hon. Gentleman, because the reasoning of it was based upon grounds which formed the conclusive argument for rejecting this Amendment. With regard to the language that had been held in reference to the feelings of the

Scotch people, he was bound to observe that all the lessons he had received on the theory and practice of the Constitution taught him that the wishes of a country were to be learnt from its representatives, and he must say it was little less than ludicrous when a variety of Gentlemen sitting opposite—most respectable Gentlemen all, aye, and Scotchmen by blood, habit, and character, some of whom had not been able to become representatives of Scotland, and had been rejected by constituencies in Scotland, came forward night after night to deplore the condition of the people of Scotland on this subject in the very teeth of the representatives of Scotland, who declared—and he presumed they were better judges—that this Bill was suitable to the case of their constituents. There were two principles which regulated the conduct of Government and Parliament with respect to this great subject of the education of the people. The first was, that they should respect, as far as possible, the local system of instruction. It was on that account, in a principal degree, that the right hon. Gentleman (Mr. G. Hardy) declined to support the Motion of his right hon. Friend near him (Sir John Pakington). The right hon. Gentleman said that—

"Having voted for freedom of religious teaching when the Committee divided on the Amendment of his right hon. Friend the Member for North Devonshire (Sir Stafford Northcote). He would feel great difficulty in supporting the proposition now before the Committee, because the same freedom that he asked for members of the Church of England he was willing to extend to Dissenters and Roman Catholics."—[3 *Hansard*, ciii. 1268.]

There was no doubt that the proposal of the hon. and learned Gentleman (Mr. Gordon) was a restriction of the freedom of religious teaching. The other principle which guided Parliament in the English Bill was equally infringed by the hon. and learned Gentleman, and that principle was the clear separation of the State from direct responsibility for religious education. That was a principle which lay at the root of the whole of their proceedings, and he wanted to know whether they were to depart from it now or not? It was idle to suppose that they could allow themselves to be bewitched or fascinated by the hon. and learned Gentleman. The hon. and learned Gentleman required that there should be daily readings of the Scrip-

tures in the schools of Scotland. But if they had the reading of the Scriptures, instruction in them must follow; and now it was proposed for the first time that religious instruction should be made compulsory. The hon. and learned Gentleman proposed it because it was very much the custom in the schools; but as it was the custom of the people to attend church on the Sunday, would the hon. and learned Gentleman propose that they should be compelled to go to church? The words which the hon. and learned Gentleman now invited the Committee to vote were but the thin end of his wedge. Having ordered the people of Scotland to have daily religious instruction in the schools, the hon. and learned Gentleman proceeded, in consistency, to provide that there should be State Inspectors to look after the instruction. But when Parliament passed the English Education Act two years ago, one of the changes which was felt to be a real and great advantage was the separation of the State from the responsibilities for religious instruction. In Scotland they had got four different sets of Inspectors, belonging to different denominations, all crossing one another in their paths and orbits, to inspect the different schools. And that was the system which the hon. and learned Gentleman invited Parliament to maintain. That was the first consequence. The next was, that the State grants should be given for religious instruction. But they had always contended—and Parliament had so understood in the English Act—that the grants made by public authority, whether from the Exchequer direct or from the rate, should be given in respect of secular, and not of religious instruction. But that was not all. In the 65th clause the hon. and learned Gentleman invited the Committee to leave out the Time-Table, which was one of the great securities for religious liberty. He did not think that either the hon. and learned Gentleman himself, or most of those who voted with him on the former occasion, had considered how far such a course would lead them. One other development was so extraordinary that he was almost unwilling to mention it. The hon. and learned Gentleman said no child was to be compelled to receive instruction in the Scriptures. If not, he (Mr. Gladstone) did not understand why it was that school boards

Mr. Gladstone

and masters were to be compelled to give it. They might have in a district exclusively Roman Catholic children, the whole of whose parents objected to their receiving religious instruction; and yet the teachers under the provisions of the hon. and learned Gentleman were compelled to give it. The hon. and learned Gentleman said he would not compel the children to receive religious instruction, but he would compel the teachers to give it. But the hon. and learned Gentleman did not stop even there, because he proposed to amend the 73rd clause by striking out the word "secular." In the 68th clause it was provided that the parents should be compelled to cause their children to attend school the whole time the school was open. By striking out the word "secular," therefore, the children would be compelled to attend the whole time that instruction, including religious instruction, was given, though many of them might be unwilling to receive it. Now in objecting to that course, he hoped it would not be supposed that they were indifferent to religious instruction. No such feeling was imputable to them. They stood on the great principles as guides and securities in the English Act—namely, a respect for religious freedom, and their resolute determination to keep the State aloof from all matters of religious controversy, which, if mixed up with their educational system, they believed would poison that system, and convert to mischief and discord that which they hoped would result in the spread of intelligence and peace.

MR. KAY-SHUTTLEWORTH said, the Amendment of the right hon. Baronet (Sir John Pakington) which he quoted a short while ago was "the Holy Scriptures shall form part of the daily reading and teaching in such schools; but." The words which followed the Amendment were—

"no religious catechism or religious formulary which is distinctive of any particular denomination shall be taught therein."

These were words contained in the Bill and now formed part of the Education Act, although the Amendment of the right hon. Baronet had been rejected.

MR. GATHORNE HARDY said, that if the hon. Gentleman turned back to page 1,265 of the book which he had got, he would find this—

"Sir JOHN PAXINGTON said he rose to move the Amendment of which he had given Notice, to leave out sub-section 2, and insert 'the Holy Scriptures shall form part of the daily reading and teaching in such school, but no religious catechism or religious formulary which is distinctive of any particular denomination shall be taught therein—'"

but according to the practice of the House, what was put from the Chair on that occasion was only the first part of the Amendment, because the remainder was already expressed in the clause. It was true that in speaking on the English Bill he argued the case differently; but he did so because the circumstances of England differed from those of Scotland. In England the denominational system was carried out by means of schools supported by voluntary contributions; but in Scotland the schools were maintained by contributions from the heritors, obtained in such a form as practically to amount to rates. These parochial schools in Scotland, however, were denominational schools inasmuch that they taught the Scriptures and the Shorter Catechism. The hon. and learned Member for the University of Edinburgh (Dr. Lyon Playfair) asked what was the use of making any change by law upon this subject; but he (Mr. G. Hardy), for one, could not admit that the Amendment would, if passed, have the effect of making any such change. The only change that could be made would be to render less stringent the rule which existed at present, by enabling the different religious bodies in Scotland to read the Holy Scriptures according to their own tenets. In arguing this question in the progress of the English Bill he expressed his opinion that it would in any district, where a large body of the population belonged to a particular religion, be expedient to allow them to found schools for the teaching of their own religion rather than to force schools of a different character upon them. In Scotland the mass of the people, though they differed somewhat in matters not connected with religious teaching, were Presbyterian, and, therefore, the same provision that was required in England was not necessary there. With respect to the speech he made on a former occasion, he could only say that it was made upon a Motion of a different character from that now under discussion, a Motion which struck at the very root of the first principle of teaching in England—

namely, that the teaching should be according to the formularies and tenets of the people taught. It was utterly impossible to have such a system as had been called "evangelical unsectarian" education. Religious education, in the true sense of the word, was impossible unless it was based upon some definite set of tenets.

MR. BAILLIE COCHRANE said, the right hon. Gentleman at the head of the Government denied that religious instruction was laid down in the earlier period of the parochial system; but he would remind the right hon. Gentleman that in the Act of 1567 it was distinctly laid down that—

"The youth of the country shall be brought up and instructed in the fear of God and in good manners. And it is good both for their bodies and souls that God's word should be rooted in them."

How, he would ask, was "God's word to be rooted in them," except by means of the Bible? That declaration was repeated in the Acts of 1613, 1663, 1693, and 1803. The Bill now before the House would, if passed as drawn, destroy the system which had existed and had worked well in Scotland for centuries.

MR. GLADSTONE denied that he had quoted from the Act of 1567. What he quoted was Dr. Cooke's description—which he believed to be accurate—of the Act in question, which did not propose religious teaching as the Committee were now asked to prescribe it by passing the Amendment under consideration.

LORD HENRY SCOTT denied that the Amendment would have the effect of compelling dogmatic religious teaching in schools. He was sorry that the right hon. Gentleman at the head of the Government had thought it necessary to cast a sneer upon the Scotch Gentlemen in that House who represented English constituencies. Although he (Lord Henry Scott) represented an English constituency, it was not because he was rejected by a Scotch constituency. He wished that the right hon. Gentleman could console himself in the same way. The taunt came with a very bad grace from one who had taken refuge in one constituency because he was rejected by those whom he eagerly sought to represent, and who presided over a Cabinet two Members of which—the Home Secretary and the Chief Secretary for Ireland—had been compelled to run away from the constituencies they represented.

a short time ago, one of them to find a refuge in Scotland.

MR. GRAHAM said, that the Petitions presented in favour of this Motion were the result of an organized movement in Scotland, which misrepresented the real character of the Bill as one for the exclusion of the Bible from the schools. The people did not want the Bible excluded from their schools, and they did not think a falsehood was being told to them in the name of religion, and they therefore signed those Petitions. But their opinions on the religious question in connection with the Bill might be well learnt from the three great religious Assemblies that represented the country. Since the Resolution of the hon. and learned Gentleman (Mr. Gordon) was carried those Assemblies had met in Scotland. In the Established Church Assembly Principal Tulloch, a clergyman of great distinction, stated that the Bill of the Lord Advocate offered adequate security for religious teaching in the national schools. The Rev. Dr. Elder, in the Free Church Assembly, stated that the Bill offered every existing guarantee for religious education in the national schools, and a resolution in that sense was passed by a majority of two to one. And in the United Presbyterian Assembly a resolution was unanimously passed condemning the Resolution of the hon. and learned Gentleman opposite. A movement like this, founded on a desire to obstruct, deserved no respect, and he hoped it would meet with the condemnation of the Committee.

SIR JAMES ELPHINSTONE wished the Committee to know that in the General Assembly of the Established Church a resolution approving the Resolution of May 7 was carried by 247 to 42, the minority being Principal Tulloch's party. With regard to the other Assemblies of Scotland, the principle of their action appeared to be a deadly hatred of the Established Church, and therefore their resolutions were not much to be regarded. Both the Prime Minister and the Lord Advocate had taunted those who were Scotchmen by blood and lineage with being aliens. Had the Prime Minister never stood for a constituency which had rejected him? When the right hon. Gentleman was rejected by Lancashire—the bone and sinew of England—he took refuge in

Lord Henry Scott

Greenwich, and even there, when he had let go his last anchor, he could not find it again without offering a bribe to his constituents. They were told they were to fall back on the three R's. But in teaching reading to a child, what was that child to read? Was he to read the right hon. Gentleman's speeches delivered in Lancashire or in Stranraer? The child must be taught to read from the Scriptures, from which every Scotchman was taught to read; but the 65th clause of this Bill proscribed religious instruction during every hour of the day, except at the beginning and at the end of the teaching.

MR. NEWDEGATE: It appears from the observations made by the right hon. Gentleman the First Lord of the Treasury, with respect to education in this country, that the right hon. Gentleman has advanced considerably upon the principle of 1870 towards the secular system. What are we dealing with? We are dealing with Scotch education, and I wish to ask the right hon. Gentleman, if his mind was the same in 1870 upon the subject, why he did not include Scotland in the measure of that year? Now, it is perfectly well known that he did not make that attempt, because he had reason to believe that if those Members who were distinctly in favour of religious education being considered as an essential portion of the conditions for the reception of a grant or of rates in the case of English schools, had had the aid which they had a right to expect from Scotland, that the Elementary Education Act of 1870 would have been modified in the sense of the Scotch system. In the course of this discussion a good deal has been said about the views of the Scotch people, and as to what is termed “the use and wont” of Scotland in the matter of education. Those terms “use and wont” describe the common law of Scotland in the matter of education. The common law of Scotland has, in the words of John Knox, been steadily directed to the “godly upbringing of youth.” The Scotch people perfectly understand what they mean by religious education. They mean instruction in the Bible. In 1870, when speaking on the Amendment proposed by the noble Lord (Lord Augustus Hervey), I remember asking this question—“You say you are in favour of religious education; what religion do you mean?” But

I received no answer. The Scotch people however, have answered that question for generations for themselves, and they claim in this matter to be treated as a nation—that, as long as you leave them with a separate Code and separate administration of justice, and recognize the difference between Scotch and English education in other respects, you shall respect also their religious feelings in the matter of education according to the use and wont of the common law of their country. The right hon. Gentleman spoke of freedom, and of endangering religious freedom. I ask what greater invasion of religious freedom there can be than that—because in England we have a different law—this House should declare that the peculiar freedom of Scotland shall be sacrificed in this matter of religious education? Why, the argument runs all the other way. Whither may not his desire for uniformity carry the right hon. Gentleman? It will, I suppose, next induce him to say, because in Ireland the Church has been disestablished, and because, unfortunately for Ireland, we have been obliged to pass Coercion Acts, therefore England shall have her Church disestablished also, and England, like Ireland, shall submit to Coercion Acts. Then, by-and-by, he will extend the same thing to Scotland. Why, there never was an argument more misplaced than when the right hon. Gentleman appealed to freedom. In what does freedom consist but in respect for the national will? You cannot legislate for a nation by sections so small that each community shall have its peculiar fancy enacted by law; but you can do this in dealing with nations. This you can do. When you have entered into co-partnership, as England has done with Scotland by the Act of Union, you can respect the conditions of your bargain; you can respect the freedom which the Scottish people stipulated should be reserved to them, and especially in the matters of education and of religion. Why, the next thing the Scottish people may expect may reasonably be this, from the right hon. Gentleman's state of mind—that he will argue, if he does not disestablish the Church of England that, because an Episcopacy exists in England, therefore it should be enforced in Scotland. Sir, this blind adherence to uniformity is, in fact, a disguise for tyranny. Now, whence did this system

come from, which is becoming so popular in this House, that education should be compulsory? Where did it originate? It originated during the first French Revolution with Danton, who proclaimed from the tribune that every child is—first, the child of the State, and then, the child of its parents; and acting upon that principle he and Robespierre attempted to grasp the guidance of the education of every child in France, but they failed. And if you adopt this principle, the difficulties which surround you in meeting the great variety of opinion which prevails, divided as it is between Scotch opinion, English opinion, and Irish opinion, will lead you, not to the establishment of freedom everywhere, but to despotism throughout. Therefore, Sir, being thoroughly and sincerely anxious to maintain the freedom of education for which Scotland stipulated for at the Union, I give my hearty support to the Motion of the hon. and learned Gentleman the Member for the University of Glasgow (Mr. Gordon).

Question put.

The Committee *divided*:—Ayes 160; Noes 204: Majority 44.

House resumed.

Committee report Progress; to sit again *To-morrow*, at Two of the clock.

House adjourned at a quarter after One o'clock.

HOUSE OF LORDS,

Friday, 7th June, 1872.

MINUTES.]—SELECT COMMITTEE—Landlord and Tenant (Ireland) Act, 1870, The Earl of Longford and The Earl of Charlemont *aided*.

PUBLIC BILLS—*First Reading*—Local Government Supplemental (No. 2) and Act (No. 2, 1864) Amendment* (130).

Second Reading—Local Government Supplemental* (103).

Select Committee—Petroleum* (104), *nominated*. Committee—Gas and Water Orders Confirmation* (101); Intoxicating Liquor (Licensing) (*re-comm.*) (78-106).

Third Reading—Church Seats* (59), and *passed*.

THE GUARDS.

NOTICE OF MOTION WITHDRAWN.

THE DUKE OF RICHMOND: My Lords, I put on the Paper for this evening a

Notice that I would call attention to the case of the officers of the Guards who were gazetted to the rank of ensign and lieutenant in the month of October, 1871, and that I would move an Address praying Her Majesty that she will be graciously pleased not to deprive them of that rank, or of the position they hold in the Army. I have now to state that within the last 48 hours I have had the honour of an interview with His Royal Highness the Commander-in-Chief, and the result of that interview is that it will be wholly unnecessary for me to trouble your Lordships with the matter. I shall, therefore, with your Lordships' permission, withdraw my Notice.

ARMY—THE PURCHASE AND THE
SCIENTIFIC CORPS.—QUESTION.

LORD ABINGER asked the Under Secretary of State for War, What steps Her Majesty's Government propose to take to remedy the injustice to the captains of the Purchase Corps in consequence of their supersession by the first captains of the Scientific Corps? He understood it to be proposed to make the first captains of Artillery majors, and also to give captains of Engineers higher rank. That proposition, if carried out, would be very unjust to the officers of the rest of the Army. By the system adopted in Woolwich garrison batteries were interchangeable with field batteries, and the number of field officers in the Artillery and Engineers would be very much larger than that of the field officers in the Infantry or in the Cavalry, and the proportions of officers in the several branches would be altered by this change. There would be a great supersession of officers in the Line and Cavalry. The officers of the Scientific Corps had taken their commissions with the knowledge that their promotion would be slow, but as against that disadvantage they had received their commissions without purchase. In the case of the other branches the officers had purchased their rank, while the Government still retained the purchase money. If the Secretary for War did not step in to prevent such an injustice, 331 officers who had not purchased would supersede 831 officers who had paid for their commissions.

THE MARQUESS OF LANSDOWNE said, he did not admit the existence of

The Duke of Richmond

the alleged injustice. The subject had been for a considerable time before the public, and had several times been brought to their Lordships' notice, and therefore it would not be necessary for him to dwell upon it at length. In 1867 a Committee of the House of Commons reported on this subject, and recommended a very elaborate and, he believed, a very expensive system of retirement as the best remedy for the stagnation in the promotion in these corps. That recommendation had been under the consideration of the then Secretary for War, but no action had been taken on it, he believed, because of its expensiveness. On the accession of the present Government further inquiries were made, and it appeared to the Secretary of State for War and to the military authorities, that it would be both more economical and more conducive to the efficiency of the service, if, instead of devising a system of retirement only, they could create the flow of promotion which was desired without, of necessity, losing the services of valuable officers. As to the Scientific Corps, he might observe that in most foreign armies the commanders of batteries were field officers, and in all countries were looked upon as holding more important posts than they were in the British Army. It must be moreover recollected that the number of men in an Infantry company was about 60 or 70—that in a cavalry company about 50; while a first captain of Artillery had about 200 or 250 men under his command, together with very valuable *materiel*. During the Autumn Manœuvres it was seen to be very desirable that the officers in command of batteries of artillery should act with greater independence than they had hitherto done, and the Commander-in-Chief had determined to allow them a wider discretion than they had formerly possessed, and he had issued an Order to that effect. Under these circumstances, the Secretary of State thought that he would be justified in giving these officers higher rank than they had hitherto held, and for the future the first captains in the Scientific Corps would hold the rank of majors. Then, as to the question of injustice. The War Department had inquired into the matter with the greatest care, and they found the average service of officers of the Line on attaining the rank of major was, on full pay, 17 8-12ths years; unattached,

18 6-12ths; and that the service of the senior captains in the Line next for promotion was 20. The average of those three classes together was 18 6-12ths. The service of the senior officer in the Scientific Corps now to be promoted was in the Artillery, 24; and in the Engineers, 25 10-12ths. The service of the junior was, in the Artillery, 16 10-12ths, and in the Engineers, 16 years. The average length of service of officers in the Line on promotion to the rank of major would not, it was estimated, in future exceed 18 years. The average length of service of officers of Artillery, on attaining the rank of major, would be, in the normal state, 20½ years. It would thus be seen that the supersession would be slight and temporary; and his answer to the noble Lord, therefore, was that the Government did not see any injustice, and did not propose to apply any remedy such as that indicated in the noble Lord's question.

THE DUKE OF RICHMOND said, he thought the speech just delivered by the noble Marquess one of the best he had ever heard in favour of the purchase system. He only wished that he had had half the arguments employed by the noble Lord to adduce last year when he opposed the abolition of that system. The officers who had paid for their commissions had done so in the belief that they would improve their position in the Army; but it now appeared that advantages were to be given to the officers in the Scientific Corps at the expense of officers who had purchased. The injustice of the charge was shown in the fact that the Government were giving the benefit to officers of the Artillery at the expense of officers of the Line. The proposal involved the placing of 330 officers of the Artillery over 830 officers of the Line, all of whom had purchased their commissions upon the faith that, by so doing, their promotion would be more rapid. He must express his protest against such a system, as calculated to interfere with vested rights in an unjust manner.

LORD SANDHURST said, that he could not but consider the reply of the noble Marquess as eminently unsatisfactory. He need not remind their Lordships that he (Lord Sandhurst) had always been an advocate for the abolition of purchase for reasons stated last year, to which it was unnecessary further to

allude. But he had never suggested, and he had never conceived, that among the results likely to flow from the abolition of purchase, an accelerated rate of promotion was likely to be found: he must, therefore, take exception to the statement of the noble Marquess in this respect, more especially when he referred to the likelihood of subalterns in the Line succeeding to companies in eight years. He (Lord Sandhurst) believed that his right hon. Friend the Secretary of State for War had never made a suggestion to such an effect, or afforded any data according to which the conclusion could possibly be arrived at. It might be true that, as stated by the noble Marquess, field batteries in some countries were commanded by field officers. On this he had no exact knowledge; but this he was able to state, with some degree of certainty—that in some of the Continental armies the batteries were stronger in point of guns than those in Her Majesty's service. He could not say how it was with the German Army; but in the Austrian and Russian Armies there were eight guns to a battery. Thus the command of a battery in those armies was a far more important duty than it was with us. But he was compelled to revert to the figures stated by his noble and gallant Friend opposite. It was impossible not to admit that the facts, thus brought out, were of an astonishing character. Thus, if the proposed change be carried out, the result would be the presence of 14 field officers to a brigade of Artillery. Now, assuming that the brigade of Artillery consisted of eight batteries, they had, then, the proportion of 14 field officers, 8 captains, and 24 subalterns to that brigade, or 14 field officers to 32 captains and subalterns, or about a proportion of 4 to 9. In the Infantry, they had in a battalion of 10 companies, 3 field officers, 10 captains, and 20 subalterns. That was 3 field officers to 30, or a proportion of 1 to 10. In the Cavalry, they had 2 field officers, 8 captains, and 16 subalterns, or a proportion of 1 field officer to 12 other officers. It was thus apparent that at the very time that purchase had fallen away from the Guards and Line, with whatever supposed advantages of promotion it might confer, extraordinary advantages were conferred in the artillery. Now, the leading principle of the abolition of purchase was the

abolition of privileges and of privileged corps. All superior means of promotion had, in accordance with this principle, been taken away from the Guards. They had, then, this further corollary—that at the very time that privileges were taken away from one set of corps, privileges of a like character were conferred upon another corps, with the results of disadvantage to the corps that were not favoured. The distinction drawn by the noble Duke opposite between field artillery and garrison artillery was perfectly correct; the horse and field batteries were certainly important commands; but it was impossible to assert the like of garrison batteries. With regard to promotion, it was perfectly well known that Artillery captains when in a campaign were in a position of considerable advantage in comparison with those of the Line. Thus, if they achieved distinction, horse and field batteries were noticed by generals in command in their despatches as if they were separate corps, the officers winning brevet promotion as a certain consequence. It was now proposed to give them a step before they go into action, and so to add to their already considerable facilities of advancement. There was one point to which he must advert—namely, to the assertion that artillery were likely to play a more important part in future wars than they had hitherto done. There were no grounds for such a belief, or that the improvement of *materiel* generally conferred a signal superiority on one arm. The truth was, that defeat would be inflicted upon an enemy, and victory would fall to one side as heretofore, according to the skilful combination of the several arms, and not because of a fancy for one particular arm, and forgetfulness of the others. Before sitting down, he would take the liberty of reading to their Lordships an answer to an inquiry made by him of a gallant friend of his who had passed the Staff College. The officer referred to had been in many campaigns, and was a distinguished man. The following was his answer:—"My captain's commission is dated May, 1859; my first commission, October, 1854; I have paid £2,300 for commissions; officers, now my juniors, who will supersede me, 213." He must, therefore, beg to express his concurrence with the noble and gallant Lord opposite with regard to the imme-

Lord Sandhurst

diat question before the House; but he would further express the hope that the proposed reform might not be carried into execution until time had been afforded for further consideration.

THE MARQUESS OF HERTFORD said, he was disappointed with the answer given by the noble Marquess (the Marquess of Lansdowne), and urged the inexpediency of any course which would convince officers of the Army that they were being treated with injustice. There was an uneasy and distrustful feeling among the officers of the Army at large, because, as it was not known what innovations were coming, every man feared it would be his turn next to suffer injustice. He trusted the Secretary for War would look into this matter carefully, and see if he could not avoid carrying out the measure under consideration.

INTOXICATING LIQUOR (LICENSING)

BILL—(No. 78-106.)

(*The Earl of Kimberley.*)

REPORT OF AMENDMENTS.

Order of the Day for receiving the Report of Amendments, read.

THE MARQUESS OF SALISBURY suggested that the Bill should be recommended, in order that their Lordships might be able to discuss the Amendments to be proposed on the Report with greater freedom.

THE EARL OF KIMBERLEY said, he was ready to accept the suggestion of the noble Marquess.

Order *discharged*; and Bill *re-committed* to a Committee of the Whole House *forthwith*.

House in Committee accordingly.

THE EARL OF KIMBERLEY said, it was now proposed that the Bill should come into operation immediately after it passed, instead of on the 1st September next, as originally intended. To effect that amendment it would be necessary to strike out Clause 3, and to provide a machinery for new licensing bodies.

Clause 3 *struck out* accordingly.

Clause 4 (Prohibition of sale of intoxicating liquors without license).

Amendment *moved*, to add at end of clause—

"And the court may, if it thinks expedient so to do, declare all intoxicating liquor found in the possession of any such person as last aforesaid,

and the vessels containing such liquor, to be forfeited."—(*The Earl of Kimberley*.)

Also words containing provisions to meet the case of the death or insolvency of the license holder.

Amendments agreed to.

THE DUKE OF RICHMOND said, he rose for the purpose of moving an addition to the clause, which, he believed, would have the effect of meeting one of the great necessities of the Bill—namely, the want of an adequate provision for the regulation of the retail sale of wine and spirits in bottles over the counter. His Amendment was in strict accordance with the Preamble of the Bill, which stated that the object of the Bill was to amend the law relating to the regulation of public-houses and other places in which intoxicating liquors are sold. The first portion of his Amendment proposed to make it necessary that all these licenses should be granted by the magistrates, and the second that the persons to whom the licenses were granted should be bound to close at the same hour, and should in other respects be subject to the same regulations, as the holders of the ordinary licenses. The noble Earl had incorporated the provisions of Sir Henry Selwin-Ibbetson's Act of 1869 in this, and, consequently, would probably agree with the principle of the Amendment he was about to propose. The advantage of the Amendment would be that if the granting of these licenses were left to the magistrates they would at all events know that they would be issued subject to the wants and necessities of the particular district, for which the applications were made; whereas under the present system it was to the advantage of the Revenue and to the Chancellor of the Exchequer that the Excise from whom they were now obtainable should grant as many as possible, without reference to the wants of the district. One of the greatest means of preventing drunkenness was stringent control over places where intoxicating liquors were sold, and therefore the Amendment would tend to prevent drunkenness and to ensure a better regulation of licenses.

Moved, to insert the following clause:—

"No person shall sell by retail any intoxicating liquor under the authority of any retail license which such persons shall have obtained as a wholesale spirit dealer or wholesale wine dealer

from the Commissioners of Inland Revenue, except in premises occupied and used exclusively for the sale therein of intoxicating liquors, unless such person shall have first obtained from the licensing justices a certificate authorizing such sale in premises not exclusively so occupied and used. Every person selling by retail any intoxicating liquor in contravention of this section shall be deemed to have sold the same without being duly licensed. Every person holding a certificate under this section from the licensing justices shall be subject to the same regulations as to hours of closing and police supervision as persons holding a retail license under the section of 32 and 33 Victoria chap. 27."—(*The Duke of Richmond*.)

THE EARL OF KIMBERLEY was surprised that the noble Duke could think it possible that he should concur in an Amendment relating to what were called grocers' licenses, and proposed solely in the interests of the liquor monopoly. It was true that he had incorporated Sir Henry Selwin-Ibbetson's Act in this Bill. That Act provided that certain houses for the sale of liquors to be consumed off the premises, as beerhouses and wine shops, should obtain a license from the magistrates, although they had not previously been compelled to do so. In that respect the present Bill made no alteration, for all houses which had hitherto been required to obtain a magistrate's license would continue under the same obligation. But the noble Duke proposed to bring a new class of houses under the magistrate's licenses, and his Amendment would act against the grocers in the interest of the monopoly of public-house keepers and others. He trusted the House would not accept the proposal. One of the great difficulties they had to encounter in dealing with this subject was the existence of a kind of vested interest in licenses, and the noble Duke's proposal amounted to the creation of an entirely new set of vested interests. The result would be that if they desired to make any further amendment in the law at any future time their difficulties in this direction would be increased, and they would be met with even a stronger cry of privilege and monopoly. If these licenses, as at present granted, had given rise to any gross abuse connected with public morals or public order, he should then be willing to admit that in embarking upon any system of restraining monopoly they were bound to include this particular branch of the trade. He could not admit the right of Parliament to fetter trade, as

was proposed by the noble Duke, or to create a new monopoly. He had himself prepared one or two Amendments which would, he thought, improve the Bill as it stood. One of the hardships of the Bill as it stood was the case, for example, of a public-house which under the Bill, would be obliged to close at 10.0 or 11 p.m., while the grocer's shop next door might sell liquors in bottles to a much later hour. This was an injustice and might lead to abuses, and the remedy he proposed was to bring all houses for the sale of intoxicating liquors under the same law as regards the hours of closing. Another mode in which he proposed to amend the Bill was by subjecting both licensed victuallers and grocers to identical provisions and penalties.

THE MARQUESS OF SALISBURY wished to say a few words in support of the proposal of the noble Duke. The noble Earl (the Earl of Kimberley) seemed to have forgotten the interests of the temperance cause. There were certain persons who for a great number of years had been allowed to sell intoxicating liquors in open vessels, and 10 years ago another class of traders was created, who were allowed to sell the same class of articles in closed vessels. These last-named persons were the pets of the Government of the day. It was necessary to stimulate the class into rapid growth in order to give effect to a certain French treaty, which was much admired at the time, but was not quite so popular at the present day. It was now said that the whole of the precautions in order to restrain the publican from misusing his license had been insufficient; that there were too many places where liquor was sold in open vessels, and therefore the temperance agitators successfully urged his noble Friend to bring in a measure which should in some degree correct the evils complained of. But his noble Friend was mistaken in imagining that there were no complaints of the way in which the grocers conducted their business. They might be maligned—as he believed the licensed victuallers were in many cases maligned—but they were charged with selling intoxicating liquors so recklessly as to occasion drunkenness and immorality among the people; and there could be no doubt that it was equally in the power of either class to do so. Therefore, his noble Friend asked that the same mea-

sure should be meted out to both classes of traders alike with regard to the number of hours during which they should conduct their business, and the penalties they should incur when they broke the law. He concurred in the principle; but the net result of all this had been the creation of a class of traders who were able not only to compete with the licensed victuallers, but, without any control on the part of the magistrates, to create all those evils which were attributed to the beerhouse in times past. He hoped the House would render the legislation on this question consistent, and would take care that while they were closing the avenues of intoxication in one direction they were not opening them in another.

THE DUKE OF SOMERSET was understood to say that, having heard the Amendments which the noble Earl proposed to introduce into his Bill, he was prepared to support the measure of the Government, though in the first instance opposed to it.

THE EARL OF HARROWBY addressed a few words to the House, which were inaudible.

THE BISHOP OF PETERBOROUGH thought there was a slight fallacy in the argument of the noble Duke (the Duke of Richmond). There was an important distinction between legislating against private vice and breaches of public order, and the difference ought to be kept in view while legislating on this matter. The law had no right to interfere with a man who chose to commit the sin of drinking in his own house, though it had a right to punish a man who paraded his mischievous drunkenness in the public streets. There was a fallacy also in what the noble Duke said on the question of an equal law. An equal law was that which dealt impartially in like cases, not a law which dealt alike in unlike and unequal cases. The case of the grocer who sold his wares in closed bottles, to be taken away, and within whose house consequently no disorder would arise, was not on a par with that of the licensed victualler or beerhouse keeper, who sold the liquor for consumption within his own house, where disturbances often arose in consequence. It could not, therefore, be said to be an equal law which measured out the same punishment to both. There was a vast difference between drinking on and drink-

The Earl of Kimberley

ing off the premises, and it was a fallacy to suppose that it was an equal law which dealt equally with both cases.

THE DUKE OF RICHMOND wished their Lordships to understand, before dividing upon his proposal, that it was not intended to apply to wine merchants, but only to the other classes of traders in intoxicating liquor. With regard to the remarks of the right rev. Prelate (the Bishop of Peterborough), he seemed to think that the man who sold the drink was the real culprit, and that it did not matter how much liquor a man bought, or how much he drank, provided he drank it outside the public-house door, or within his own house.

THE BISHOP OF PETERBOROUGH reminded the noble Duke that he confined his observations to the distinction between a man getting drunk in a public-house and in his own house.

THE EARL OF KIMBERLEY said, he desired to make a few observations in reference to the remark of the noble Duke, that he did not intend his proposal to apply to wine merchants. If the noble Duke's Amendment were carried, the more stringent provisions of the Bill would apply to persons who, in addition to intoxicating liquors, sold certain harmless articles, such as tea or tobacco; whereas if he dealt exclusively in liquors he was not subject to such restrictions. It was thought that this grocers' interest might be safely invaded, and therefore we were to have this extraordinary, absurd, and preposterous anomaly. If their Lordships agreed to the Amendment the Bill could not possibly pass into law.

LORD DYNEVOR made some observations, which were inaudible.

THE DUKE OF RICHMOND said, that after listening to what had been said by the noble Earl opposite (the Earl of Kimberley), he was bound to admit that there was a great deal of force in the argument he had adduced, and although he should very much like to place this class of house under the supervision of the magistrates, yet he perceived that if this were done while persons who sold nothing but wine and spirits were exempted from such supervision, an injustice would be committed, and the condition of the law would be anomalous. He did not think he should be justified, therefore, in persevering with the Amendment; but he should propose to take the

decision of the House on the question of the license going before the magistrates, unless his noble Friend would agree to the introduction of the words which he proposed to add to the latter part of the clause, with the view of putting these houses under the supervision of the police, both as to hours and adulteration.

THE EARL OF KIMBERLEY said, few persons would have the candour and the fairness to admit there was some force in the arguments of an opponent, as the noble Duke had done on the present occasion.

Amendment, by leave of the Committee, *withdrawn*; clause *agreed to*.

Clause 5 (Occupier of unlicensed premises liable for sale of liquor).

THE MARQUIS OF SALISBURY pointed out that the occupier of an unlicensed house in which intoxicating liquors were sold would be required to show he knew nothing about it, or, in other words, to prove a negative.

THE EARL OF KIMBERLEY said, it rarely happened that the *onus probandi* was thrown on the occupier; but he in his turn would make an admission of the validity of his opponent's argument, and would alter the clause by striking out the words "unless he proves that he was not privy or consenting to the sale," and substituting the words—"if it be proved that he was privy or consenting to the sale."

Amendment *made*.

Clause, as amended, *agreed to*.

Clauses 6 to 22, inclusive, *agreed to*, with Amendments.

Clause 23 (Analysis of Intoxicating Liquors).

THE EARL OF KIMBERLEY proposed to leave out the words "public-house inspector under this Act," and insert—"superintendent of police or other person authorized in writing by the police authority so to do."

THE DUKE OF RICHMOND said, he had pointed out on a former occasion that the inspectors of police were the proper officers to perform the work of inspection under the clause. The Amendment of the noble Earl, however, would carry the power of appointing inspectors beyond the limits of the police. To that he objected.

THE EARL OF KIMBERLEY said, he had no objection to substitute for the words "or other person" the words "or other constable."

THE DUKE OF RICHMOND expressed himself satisfied with the alteration.

Amendment made accordingly.

Clause further amended and *agreed to*.

Clause 25 (Times of closing).

On the Motion of the Earl of KIMBERLEY, Amendments made, the area being made to include "the City of London and the liberties thereof;" and the hour of re-opening being altered from 7 o'clock to 6 o'clock in the morning.

THE MARQUESS OF SALISBURY moved to leave out, page 10, lines 8 and 10, the words ("the hours of 10 o'clock and 6 o'clock on the following morning,") and to insert—

("Such hours, not being earlier than 10 o'clock at night nor later than 8 o'clock on the following morning, as the licensing justices shall appoint.")

His impression was that drinking intoxicating liquors was not in itself a sin, and that people had as much right to drink beer as to eat mutton, so long as they did not overdo it. He did not think it fair that, because the inhabitants of Manchester wished to enforce the closing of public-houses at 10, the population of Hertfordshire should be obliged to adopt that hour also. There was, no doubt, in the North a strong feeling in favour of early closing; but it was, he thought, somewhat hard that because the inhabitants of that part of England found that their morality could not stand having public-houses open till 11, the morality of those who did not find themselves in a similar position in the South should have no regard paid to it. What he desired to effect, therefore, was that the law should be made local in its application on that point, seeing that the demand for closing public-houses at 10 was local. It would cause a great amount of dissatisfaction if they insisted on public-houses being closed on fair and market nights at 10 o'clock. He saw no objection to allowing the authorities in each county to fix the hours of closing within the limits of his Amendment.

THE EARL OF KIMBERLEY said, that the case of such occasions as fairs or markets was met by the law relating to occasional licenses, so that no inconvenience would be produced by the Bill in

that respect. As to the general question of the hours of closing, it was one which was, no doubt, beset with considerable difficulties. He could assure his noble Friend that besides being inundated with communications, it had been his lot to receive numerous deputations, each of which held on the subject the most conflicting opinions, yet each of which urged him to adopt its own particular views as being those entertained by the great majority throughout the country. He had quite as much pressure put upon him to make the Bill more stringent as in the opposite direction; and three of the largest towns in England after London—namely, Liverpool, Leeds, and Manchester—had voted resolutions and sent up deputations to him to beg that the Bill should either be kept as it was, or that its provisions should be rendered stronger. That showed that a strong feeling existed in the country upon that point in favour of restriction. He doubted much indeed whether noble Lords were aware how great the feeling was throughout the country in favour of early closing, and he must confess that he thought 10 was a very reasonable hour in rural districts. It was not the respectable labourer who frequented the public-house after 10 o'clock for the purposes of refreshment. They were generally in bed at that hour. Those who went there after 10 o'clock went there for the purposes of disorder and the concoction of crime. To give power to the parties to fix the hour of closing at their discretion would, he might add, give rise to great anomalies, inasmuch as the hour might vary in every district.

THE MARQUESS OF SALISBURY said, there would be great difficulty in convincing him that there was anything wrong in drinking beer, or that it was the business of Parliament to take care that the labouring man did not drink too much. Their business was only to take care that public-houses were properly conducted. However, he would not press his Amendment.

Amendment (by leave of the Committee) *withdrawn*.

Clause *agreed to*.

Clause 29 (Forfeiture of license on repeated convictions).

THE MARQUESS OF SALISBURY desired to draw the attention of the noble Earl to the effect of the clause. The

clause proposed not only that the license should be forfeited, but that the person holding it should be disqualified for a term of five years from the date of the third conviction, and the premises might also be disqualified from receiving any license for a term of two years. The result of that legislation as regarded the owner of the premises would be that he would evict the occupier after his first conviction, so as to prevent the premises becoming disqualified. Surely that was rather Draconian legislation? The noble Earl talked of the importance of having some self-acting law that should be independent of the sympathies of magistrates, and he had so altered it that the leniency of the magistrate should not frustrate his object. But the noble Earl might carry this too far. He might make the law so severe as to excite the pity of the magistrates, and there would be no convictions at all. He suggested that the disqualification should not arise unless such premises had at any previous time within 20 years have been occupied by a person whose license had been forfeited during such occupation.

THE EARL OF KIMBERLEY said, there was a very general opinion on both sides of the House that provided the principle was not carried too far, it was fair, and just, and expedient in the interests of the public that the owners should be made to a certain extent responsible for the good order of their houses. That being so, the question resolved itself into one of degree. An unanswerable reason why they were justified in making the owners responsible was, that they possessed a monopoly. The House should never forget that the license did not attach to the house—though from custom and general feeling, except something were done actually justifying its forfeiture, its annual renewal was never refused. By that means a special Parliamentary value had been given to the house by the monopoly; and that being so, Parliament and the public had a perfect right to require that the owners, as well as the occupiers, should suffer when the law was violated. The noble Marquess had hinted that there was something Draconian in the legislation proposed; but he (the Earl of Kimberley) would remind him that the present law enacted for certain offences, the forfeiture of licenses and disqualification of premises for two, three, and even five

years; and he could not think it an unreasonable proposition that after three offences had been committed the house should be liable to be disqualified. The clause, moreover, left it to the discretion of the licensing magistrates. He had introduced a series of securities for the owners, and when he was told that the owner could evict after a first offence, he replied that it was purely a question for the owner's consideration.

THE MARQUESS OF SALISBURY urged that the provision would necessarily render public-house property and trade extremely precarious, while the machinery affecting the owner might have the very opposite effect from that intended by the noble Earl. He could not however press his suggestion.

Clause agreed to.

EARL GREY moved, after Clause 42, to insert a new clause, making it lawful for a town council or other local authority to take the retail trade in intoxicating liquors within the district for which it acts into its own hands; in which case certain rules—which the Amendment set forth at length—should come into force. The noble Earl said, an opinion was entertained by a considerable number of persons that the best mode of dealing with the sale of intoxicating liquors would be to establish a system of free trade, subject to a rigid enforcement of strict regulations; and he inferred from the speech of his noble Friend opposite (the Earl of Kimberley), on the second reading of the Bill, that he was favourably disposed towards that view, though he was not prepared at present to act upon it. He quite agreed with his noble Friend in thinking both that there was much to be said in favour of that principle, and also that it would be a hazardous experiment to adopt it at present, as the country was not as yet prepared for it. If, then, we were not to have free trade in intoxicating liquors under strict regulations, we must fall back upon monopoly of some kind or other. Hitherto the privilege of selling liquors had been entrusted to certain selected persons. That was the principle on which the present Bill proceeded. Even his noble Friend admitted that this was not altogether the most satisfactory arrangement that could be devised, and though it might be the most practical mode of dealing with the

question, it was undoubtedly liable to great objections. Some of these objections were stated in the other House of Parliament last year by the Secretary for the Home Department, who showed most justly that you could not establish a monopoly of this character in the hands of private individuals without leading to those evils which are usually caused by the creation of monopolies; and it was found in practice that, however strict the regulations established, it was very difficult to enforce them and prevent abuses. One inconvenience was that, as a matter of fact, power was placed in the hands of this selected body exercising a monopoly to levy a tax on the public. Another objection was the constitution of the body by whom the licenses were granted to the selected persons. The power entrusted to the selecting body enabled it to determine who should be the persons to be invested with a lucrative privilege; to grant it to one candidate and to refuse it to another purely at its own discretion. This was necessarily a power of a somewhat invidious character, and might be exercised from personal motives apart from the interests of the public. Since, then, these difficulties existed—in respect of free trade on the one hand, and in respect of the creation of a monopoly on the other—the question remained to be considered whether some plan might not be devised to meet these objections. That object, he believed, might be attained by the clause he proposed, which, while retaining the monopoly of the sale of intoxicating liquors, entrusted that monopoly not to private individuals for their own benefit, but to some public authority. This principle had never been acted upon in this country; but it had been so, apparently with great success, in Sweden. He would call the attention of their Lordships, for a moment, to a system pursued at Gottenburg, of which an interesting account was sometime ago given by Mr. Rathbone, the Member for Liverpool, in a speech to his constituents, which was referred to as well deserving consideration by the Secretary of State for the Home Department in bringing forward his Bill of last year. This experiment has been more fully described in a pamphlet recently published by Mr. Marshall. It appears that in 1865 a certain number of persons in that town

Earl Grey

formed themselves into an association to buy up the licenses of the public-houses, with the view of placing the control in the hands of the local authorities for the benefit of the public, and not for individuals. The number of licenses was consequently greatly reduced, and the public-houses were in fact kept in the hands of the local authorities. They did not attempt to make a profit by this scheme, but they established a scheme by which spirits were sold on behalf of a company which in fact represented the Corporation of Gothenburg. They appointed managers who were entrusted with the management of refreshment houses for the sale both of liquors and of food and other refreshments. So far as regarded the sale of spirits they were the mere servants of the company, and were allowed no profit on their sale; but they were permitted to sell tea and coffee with other articles of refreshment and food on their own account. The managers, therefore, had no interest, but the reverse, in the sale of spirits. The profits derived from the concern were paid into the corporate funds. The result had been a great decrease in the consumption of intoxicating liquors, a consequent diminution of drunkenness, and a very great improvement in the conduct of the people generally. He knew their Lordships did not like statistics and figures, and he would not therefore trouble them with those that had been furnished to him to show the success of the system, except to mention one fact which he thought very remarkable, as showing the improvement it had caused. In 1865 the cases of *delirium tremens* reported to have occurred in Gothenburg numbered 118; in 1867 they were only 14. Something like the Gothenburg system he proposed to introduce into this country. The clause which he moved would give a town council, or other local authority, the power of taking the retail trade in liquor for consumption on the premises into its own hands, and, when the local authority had determined to do this, certain regulations, which he had sketched in 12 rules, would come into force. The local authority would be entitled to demand licenses from the Excise; no new licenses would be afterwards granted to other persons; all vested interests would be protected and existing business would have to be purchased, if compulsorily,

for a price to be fixed by arbitration. The clause was permissive in this respect—that it did not apply to any place in which the representatives of the ratepayers had not determined to try the experiment; but, beyond this, the clause did not in any way embody the principle of what was called the Permissive Prohibitory Bill, to which he strongly objected as highly unjust and inexpedient. The clause he proposed would not enable the local authority under colour of taking the trade into its own hands to try to stop it. The authorities would be bound to make due provision for meeting the public requirements, but in such a manner as to get rid of the evils of the present system. If their Lordships would examine the clause they would perceive that regulations were introduced to give an appeal to the magistrates, and ultimately to the Secretary of State, if the local authority should neglect to make proper provision for the fair wants of the population in respect of a supply of liquors. It was a great recommendation of the system that it would give the ratepayers and their representatives greater influence than they now possessed; and there was a wide difference between empowering the local authority to stop the trade and investing it with control. Further, the system might be made the means of aiding the local funds, upon which there was an increasing pressure; and municipal administration, by reducing the number of houses, would attain economy, which would increase the surplus to be added to the rates. It was possible the clause might be amended in detail; but he hoped its principle would be accepted. The noble Earl then moved the insertion of the clause.

THE EARL OF KIMBERLEY hoped his noble Friend (Earl Grey) would not be disappointed at the announcement that the Government could not accept the clause. He was glad, however, his noble Friend had taken the opportunity of explaining a system which, he said, worked well in another country, and which, no doubt, was worthy the consideration of Parliament. But, for his own part, he could not avoid stating that he felt very great doubt whether the local authorities in this country could be safely entrusted with the management of this matter. The whole of the machinery of public-houses was of such a nature, and the

influences in connection with the liquor traffic was such, that he was apprehensive of the results—without much more inquiry and consideration than had been given to the subject—if this power were placed in the hands of local authorities. The essential principle of the Gothenburg system was this—that provision was made for the sale of spirits by persons who had no pecuniary interest in the sale, but who made profit by the sale of non-intoxicants and food, so that they had no motive for unduly pressing the sale of spirits. Now, he (the Earl of Kimberley) was free to confess he had considerable doubts whether we had not gone too far in the direction of restriction, and whether it might not be ultimately necessary to somewhat retrace our steps. As long as we had to deal with a system of monopoly, it was essential that the monopoly should be subject to proper regulation; but to break down the monopoly itself it would be requisite to have practically free trade, with severe police regulations, to prevent abuses. He was not at present prepared to introduce this clause into the Bill. That Bill he believed to be sound in principle for the regulation of a monopoly; but the principle of the proposed clause was altogether different, and he did not think it would be possible or politic to introduce two systems at the same time into one Bill.

Amendment negatived.

THE EARL OF KIMBERLEY proposed a new clause to follow Clause 46:—

“Where any tenant of any licensed premises is convicted of an offence against this Act, and such offence is one the repetition of which may render the premises liable to be disqualified from receiving a license for any period, it shall be the duty of the clerk of the licensing justices to serve, in manner provided by this Act, notice of such conviction on the owner of the premises.

“The owner of any licensed premises, for the purposes of this Act, shall mean the person whose name appears in the assessment for the relief of the poor as the owner of such premises:

“Where any order of a court of summary jurisdiction declaring any licensed premises to be disqualified from receiving a license for any period has been made, the court shall cause such order to be served on the owner of such premises, where the owner is not the occupier, with the addition of a statement that the court will hold a petty sessions at a time and place therein specified, at which the owner may appear and appeal against such order on all or any of the following grounds, but on no other grounds:

- (a.) That notice, as required by this Act, has not been served on him of a prior offence which on repetition renders the premises liable to be disqualified from receiving a license at any period, or
- (b.) That the tenant by whom the offence was committed held under a contract made prior to the commencement of this Act, and that the owner could not legally have evicted the tenant in the interval between the commission of the offence, in respect of which the disqualifying order was made, and the receipt by him of the notice of the immediately preceding offence which on repetition renders the premises liable to be disqualified from receiving a license at any period, or
- (c.) That the offence in respect of which the disqualifying order was made occurred so soon after the receipt of such last-mentioned notice that the owner, notwithstanding he had legal power to evict the tenant, could not with reasonable diligence have exercised that power in the interval which occurred between the said notice and the second offence.

"If the owner appear at the time and place specified, and at such sessions, or any adjournment thereof, satisfy the court that he is entitled to have the order cancelled on any of the grounds aforesaid, the court shall thereupon direct such order to be cancelled, and the same shall be void."

THE MARQUESS OF SALISBURY proposed to amend the proposal of the noble Earl by prescribing some period after notice within which a second offence on the part of the tenant would not involve the owner in any penalty. If some provision of that kind were not inserted the result would be to degrade the trade, because the owners would have to protect themselves by inserting in their agreements a power of immediate eviction.

THE EARL OF KIMBERLEY said, that under the present law the owners were, without so much protection as this Bill would afford, equally liable to this misfortune. He could not accept the Amendment, which he believed would not remedy any real hardship.

Amendment *negatived*.

Clause *agreed to*, and inserted in the Bill.

Clause 47, a new clause.

"Nothing in this Act shall prevent any person from being liable to be indicted or punished under any other Act, or otherwise, so that he be not punished twice for the same offence."

Clause *agreed to*.

EARL DE LA WARR *moved*, after Clause 47, to insert the following clause:—

"Any justice or justices having jurisdiction where any provision of this Act shall be alleged to be infringed may order any superintendent or constable of police or Excise officer to prosecute the offender, but such justice or justices shall not adjudicate in the case.

"The costs of these proceedings shall be levied in the usual way, except that in no case shall the prosecutor or his witnesses be liable thereto.

"They shall be borne where no conviction ensues by the Treasury when the prosecution is by the Excise, and in other cases by the county rate."

THE DUKE OF RICHMOND thought the clause could not possibly be assented to in the face of the decision which their Lordships came to when the Bill was last before them.

THE EARL OF KIMBERLEY also thought his noble Friend's proposition could not be accepted. Moreover, he would point out to the noble Earl that his proposal could not be conveniently sent down to the House of Commons, as it would, if carried, involve a charge upon the Treasury.

EARL DE LA WARR said, that under the circumstances, he would not ask the House to divide upon his Motion.

Amendment (by leave of the Committee) *withdrawn*.

Further Amendments made.

The Report of the Amendments to be received on *Monday* next, and Bill to be *printed*, as amended (No. 131).

PETROLEUM BILL [H.L.]

The Lords following were named of the Committee:—

E. Morley.	L. De l'Isle and Dudley.
E. Ducie.	L. Hatherton.
V. Sidmouth.	L. Wrottesley.
V. Hardinge.	L. Aveland.
L. Clinton.	L. Penrhyn.
L. Colchester.	L. Hare.
L. Rosebery.	

House adjourned at half past Eight o'clock, to Monday next, a quarter before Five o'clock.

HOUSE OF COMMONS,

Friday, 7th June, 1872.

MINUTES.]—PUBLIC BILLS—*Second Reading*—Burial Grounds * [111].
Committee—Education (Scotland) [31]—*r.p.*
Committee—*Report*—Drainage and Improvement of Lands (Ireland) Supplemental * [185].

Report—Tramways Provisional Orders Confirmation (No. 3) (*re-comm.*)* [148-188]; Tramways Provisional Orders Confirmation (No. 4) (*re-comm.*)* [155-189].

Considered as amended—Sites for Places of Worship and Schools [2].

Considered as amended—Third Reading—Pier and Harbour Orders Confirmation (No. 2)* [168], and *passed*.

The House met at Two of the clock.

OXFORDSHIRE MAGISTRATES—CASE OF MR. NORRIS.—QUESTION.

MR. LOCKE asked the Secretary of State for the Home Department, Whether he has made any inquiry into the conduct of Mr. Norris, a magistrate for Oxfordshire; and, if so, whether it is true that Mr. Norris did refuse to grant a summons against a farmer for a violent assault upon a labourer; and, whether Mr. Norris insisted upon the labourer settling the case by receiving money from Mr. Garrett?

MR. BRUCE said, that having made inquiry into the case, he was bound to say that there appeared to be no foundation for the charges against Mr. Norris which were to be inferred from the Question. It appeared that a farmer of the name of Garrett having assaulted a labourer in his employ, the latter called upon Mr. Norris in order to obtain a summons against his master. In the meantime the farmer had an interview with Mr. Norris, had admitted the assault, and had expressed his readiness to make his servant any pecuniary compensation that the magistrate might think proper. Mr. Norris informed the labourer of this offer, at the same time telling him that if he preferred it he was perfectly willing to grant the summons, and that it was for him to determine whether he would accept or refuse the offer of compensation. He also informed him that in the event of a summons being granted, any fine which might be inflicted upon the farmer would go to the county fund and not to the injured person. The labourer at once joyfully accepted the offer. He was assured that the statement that Mr. Norris had refused to grant the summons in question, or had thrown any difficulty in the way of its being issued, was without foundation. He might mention that the Trades Union in the district had applied for a summons against Garrett under the Criminal Law

Amendment Act of last year for attempting to coerce his servant into not joining their body.

INDIA—WATER SUPPLY OF PESHAWUR QUESTION.

MR. STAPLETON asked the Under Secretary of State for India, Whether the Government of India are taking or are going to take any measures to improve the water supplied to the inhabitants of Peshawur?

MR. GRANT DUFF: Yes, Sir; a project for improving the water supply of Peshawur, which greatly wants improvement, is under the consideration of the Government of India and of the Punjab Government.

EDUCATION DEPARTMENT—MANCHESTER SCHOOL BOARD.

QUESTION.

MR. JACOB BRIGHT asked the Vice President of the Council, Whether a letter was sent from the Education Department to the Clerk of the Manchester School Board, asking if in the opinion of the Board it was desirable that the vacancy caused by the death of one of the members should be immediately filled up; whether, in consequence of the vote of the Board in reply to that communication, the vacancy in the Manchester School Board is not to be filled up; whether letters of similar purport have been addressed to all School Boards wherein a vacancy has occurred since their formation; and, if so, whether, in case of a vacancy or vacancies in a School Board, the right of the ratepayers to elect representatives is to be exercised at the discretion of the remaining members of the Board?

MR. W. E. FORSTER, in reply, said, that this was a matter of some importance. A letter was sent on the 17th of May to the Manchester School Board asking whether, in their opinion, it was desirable that a vacancy, caused by the death of Mr. R. Gladstone, should be immediately filled up. To this a reply was sent back, forwarding a resolution of the board that, in their opinion, it was not desirable that the said vacancy should be immediately filled up. His hon. Friend asked, whether letters of a similar purport had been sent to all school boards where vacancies had oc-

curred? His answer was, that it had been the practice of the Department to issue such letters since February of this year. The reason they had so acted was this—they found that there was, generally speaking, among the constituencies of school boards a dislike to an Order being sent out immediately upon a vacancy occurring, and very strong representations upon it had been sent up from different parts of the country, and they were founded upon two or three reasons. One was, that they thought that such elections would cause not only considerable expense but also considerable excitement; and another was, that it was found by experience that one vacancy was not unfrequently followed by another; and it was very undesirable to have that sort of excitement immediately followed by another election. In consequence of this, it seemed to them necessary, as they had a discretion in the matter, that they should ascertain the feelings of each particular district. There was nobody that they could officially communicate with except the school boards, and they therefore determined to obtain the opinion of the school boards. They had communicated with the school board at Manchester, as well as with other school boards, for the reason which he had mentioned; but they would issue an Order for an election in Manchester, or in any other place, if any important body of people should think that an election ought to take place. They had, however, had no such expression of desire upon the subject, or it would have been carefully considered. As to the last Question, he could only say that a discretion appeared to have been given to the Department by the Act, but only until Parliament should finally conclude how the election of school boards should be conducted. This power was only given by statute for one year. In consequence of the position of the Ballot question last year, the Government thought that the only course they could then adopt was to take a renewal of the power for this year. They did not think that there should be any further renewal of the power. In a very few days he hoped to be able to bring in a Bill settling future elections for school boards, in which Bill this particular question would have to be dealt with. He did not think that a discretion should be left to the Department in this

Mr. W. E. Forster

matter, and he should be very glad to get rid of it.

EDUCATION (SCOTLAND) BILL—[Bill 31.]

(*The Lord Advocate, Mr. Secretary Bruce, Mr.*

William Edward Forster.)

COMMITTEE. [*Progress 6th June.*]

Bill considered in Committee.

(In the Committee.)

III. SCHOOLS.

Clause 20 (Parish schools.)

MR. M'LAREN, in moving, in line 16, after "parish," to insert—

"Including the power now vested in them by the second recited Act of sending, without payment of fees, such poor children of the parish as shall be recommended by them to any school under the management of the school board of the parish,"

said, he simply desired to preserve a power which already existed under the Act of 1803.

THE LORD ADVOCATE said, he had no objection to the proposal.

MR. COLLINS said, he should like to know whether the result of accepting the proposal would not be to give the preference to board schools over denominational schools, which were outside the General Act—because, if that was so, they were asked to do in Scotland what Parliament had refused to do in England.

MR. M'LAREN said, he could not admit that his proposal would affect the denominational schools in any way. Under the Act of 1803 the heritors, in consideration of the assessment they paid, had the right of sending poor—not pauper—children to the schools without payment of fees, and he proposed to continue that power to them, but to limit them to board or undenominational schools.

MR. COLLINS said, that by the proposed step they were going to enable the heritors to pay—that was, practically to remit to the parents of the children—the school fees of children who did not absolutely require such assistance; but to confine their attendance to the board schools; which was, in effect, refusing to give assistance of any kind to the children of poor Roman Catholics. It was the 25th clause of the English Act over again, and he objected strongly to the proposal.

MR. M'LAREN said, the hon. and learned Member's opposition was capri-

cious, for a clause was contained in the Bill—the 66th—which would enable the fees of all children whose parents were too poor to pay them, to be paid by the school board.

MR. COLLINS said, if that was so, he saw no reason for prejudging the question. Let them leave it for discussion and determination when the 66th clause was reached.

MR. MILLER said, the question did not arise in the burgh schools, and therefore the hon. and learned Member for Boston need be under no alarm as far as the children of Roman Catholics were concerned. It was never attempted by the heritors to put children into any other than the parish schools in the country districts; so that the payment of the fees fell entirely upon the heritors themselves. This plan was adopted as being more convenient to the local authorities, and had been found to work well.

MR. SYNAN said, he thought the question was one of considerable importance to the ratepayers of Scotland. The heritors, it seemed, had power to send to the schools and pay the fees of children who were not paupers, but only poor—which was a relative term. He thought the ratepayers ought to consider carefully before consenting to a power of this kind being conferred upon the school board.

SIR JAMES ELPHINSTONE said, he would remind the hon. Member (Mr. Synan) that under the Bill the heritors were the only ratepayers who would be affected, and therefore no particular hardship could be inflicted upon the "ratepayers" by the adoption of the proposal.

MR. M'LAREN said, that since his proposal was objected to, he would withdraw it.

Amendment, by leave, *withdrawn*.

Proviso *added*.

Clause, as amended, *agreed to*, and *ordered* to stand part of the Bill.

Clauses 21 to 23, inclusive, *agreed to*, and *ordered* to stand part of the Bill.

Clause 24 (School boards to ascertain amount of accommodation).

MR. GORDON said, he thought a more exhaustive inquiry than appeared

to be contemplated by the Bill was required. He thought the inquiry should be made by the Board of Commissioners, instead of by a merely local Board.

THE LORD ADVOCATE said, the House had determined that the duty of seeing that a sufficient amount of accommodation in public schools was provided should be put upon the Department, with the usual Government responsibility to the House of Commons; so that during the three years immediately following the passing of the Act, they should be required to perform the duty through the medium of the Commissioners appointed in Scotland, who should be responsible to them, and for whom they should be responsible to the House. These clauses provided accordingly.

MR. GORDON said, that as there was a danger of local Boards, in order to save the rates, expressing satisfaction with accommodation which was insufficient, he desired as much as possible to put the local Boards under the control of the central authority.

THE LORD ADVOCATE said, his desire had been to make provision very much in the sense of his hon. and learned Friend's remarks. The duty was put upon the local Board in the first instance, however, because they were on the spot, were immediately interested in the matter, and had the best means of making the necessary inquiries; but they were required to report the result of their investigations forthwith to the Education Department. The Report would be transmitted in the first instance to the Scotch Commissioners, who, if they were of opinion that the school accommodation was insufficient, were required to specify the amount and the nature of it. Their decision was then subject to review by the Department. That appeared to be exactly what his hon. and learned Friend desiderated.

LORD JOHN MANNERS said, he must object to the circumlocutory nature of these proposals. The inquiry was to be made by the local Boards, who were to forward the result of their investigations to the new Department in London, which in turn might, on the ground of want of local knowledge, re-transmit the document to the Commissioners in Edinburgh.

THE LORD ADVOCATE said, he would remind the noble Lord that the Report of the local Board would, in the

first instance, be transmitted to the Commissioners in Edinburgh.

LORD JOHN MANNERS: Not by this clause, which said that the Report was to be sent to the Scotch Education Department. The whole phraseology of the clause required to be altered in consequence of the change made by Her Majesty's Government with reference to the newly-constituted Board of Commissioners in Edinburgh.

THE LORD ADVOCATE said, the noble Lord, on looking at the clause he had prepared, would find that it directed all Reports made by local Boards on the subject of school accommodation to be sent, not to the new Education Department, but to the Commissioners.

MR. ELLICE was of opinion that this clause met all the necessities of the case.

MR. ORR EWING thought that, with the view of making this clause harmonize with the new clause, the words, "or the Board of Commissioners" should be added after "Education Department."

MR. F. S. POWELL said, that according to the English Act the local authority was to send to the Education Department Returns containing such particulars respecting elementary schools and children requiring elementary education in their district as the Education Department might from time to time require. But, in examining this clause, the initiative seemed to him to rest wholly with the school boards, and he was afraid that, in consequence, the Returns would be found to differ very much, and just in the same ratio as the school boards had the wish to afford the desired information. The English Act was, in his opinion, far more convenient, and he wished to know whether the Bill as it now stood contained any provision giving a controlling power over those inquiries?

THE LORD ADVOCATE said, the most complete controlling power was given to the central authority in the phraseology of the clause now under consideration, for it had been already agreed that in Scotland a school board should be established in every parish and burgh, and therefore a statutory local authority was created to deal with this matter in the first instance. This was not so in England, and therefore it was necessary to obtain information for the central authority in another manner,

The Lord Advocate

in order to enable them to consider the advisability of establishing school boards in particular districts. He could assure the hon. Member that the intention of the Bill was to subject these local authorities completely to the control of the central authority in this matter. Perhaps the hon. Member for Dumbartonshire (Mr. Orr Ewing) would be satisfied with the assurance that, although he (the Lord Advocate) could not see how any difficulty could arise from the ambiguity of the phraseology as it stood, yet he was most willing to re-consider the point, and if, after readjusting the clause which constituted the Scotch Commissioners, it should be found necessary to add any words to it, he would undertake to do so.

Clause agreed to, and ordered to stand part of the Bill.

Clause 25 to 34, inclusive, agreed to, and ordered to stand part of the Bill.

Clause 35 (Transference of existing schools to school boards).

MR. F. S. POWELL said, he wished to make a few remarks on this clause which had reference to the transfer of schools to school boards. Many of the friends of existing schools in England looked with great jealousy on the transfer authorized by the Act, although such transfer was subject to certain limitations which were absent from the Bill under consideration. Then, again, the English Act only referred to elementary schools; whereas by the section referred to any school, however dignified, important, and venerable, might be transferred to the school board, so that the entire character of the teaching might be lowered. That was a point, however, for the consideration of Scotch rather than English Members. In the English section, too, there were various limitations and restrictions, which made the transfer of a school much more difficult than it would be under this Bill. There was, for instance, the right of audience before the Privy Council. He did not see any such right in this section. It was also required that when the need for doing certain things was recognized by the trustees two-thirds must agree. There was no such requirement in this Bill. He desired to protest against the present course being established as a precedent with regard to England, and would express an earnest hope that the

limitations in the English Act would not be removed.

MR. WHEELHOUSE said, that at the present time some of the schoolmasters had something like fixity of tenure in their office. He felt extremely anxious that the fixity of tenure which had been guaranteed to them should not be interfered with by any subsequent arrangement, and would move an Amendment to that effect, and also providing that no school should be transferred except with the assent of two-thirds of the managers.

SIR EDWARD COLEBROOKE moved to insert words providing that all existing liabilities of managers in respect to contracts or engagements with teachers should be accepted by the school boards and implemented by them.

THE LORD ADVOCATE said, it was generally understood perfectly well that existing contracts could not be interfered with except by express words, and Parliament would certainly hesitate before it sanctioned any words to defeat existing contracts between employers and employed. Consequently, he thought it would be unnecessary to insert any words to say that no such interference should be implied from the language of the clause. If, however, his hon. Friend entertained any apprehension on this subject, and was not satisfied with his assurance, he should have no objection to insert words expressing that "Nothing in this clause contained shall interfere with any contract between a teacher and any body of school managers."

SIR EDWARD COLEBROOKE inquired whether in the case of the transfer of a school to the school board, and the schoolmasters did not receive what they considered proper treatment, their remedy would be against the old trustees, and against them only?

THE LORD ADVOCATE said, that the law on this matter was quite clear. A contract subsisted until it was legally terminated by the contracting parties, and, as a matter of course, no managers would transfer their school with its teachers without coming to a satisfactory arrangement with the school board. There was nothing in the clause compelling such transfer; but if the managers of a school who desired to transfer it were under existing liabilities towards their teachers, doubtless they

would make satisfactory arrangements before concluding such transfer.

SIR JAMES ELPHINSTONE said, he should like to know whether the clause would apply to such schools as Madras College, St. Andrews?

MR. ELLIÖE said, he had considered the case of the Madras College at St. Andrews, and at the proper time he should move its omission from the schedule.

SIR EDWARD COLEBROOKE said, he was quite satisfied with the insertion of the words proposed by the Lord Advocate, and, accordingly, he would withdraw his Amendment.

Amendment (*Sir Edward Colebrooke*), by leave, *withdrawn*.

THE LORD ADVOCATE said, it was true that the 35th clause was couched in general terms; but Scotch Members knew very well what schools it applied to. It was intended to apply, and did, in truth, apply chiefly to the schools established by the Free Church and the United Presbyterian Church. These were the schools which it was expected would be transferred in large numbers, and placed under the management of school boards. The effect of the change would, of course, be to substitute for the managers now appointed by the Free Church or the United Presbyterian Church the school boards appointed under the provisions of this Bill. These schools were undoubtedly established and maintained by funds derived from contributions and donations, and the contributors and donors of the funds resided all over Scotland—

"Frae Maidenkirke to John o'Groat's."

Therefore, it would be practically impossible to hold a meeting of the subscribers, and to obtain their sanction to any proceeding. He trusted the hon. and learned Gentleman (Mr. Wheelhouse) would not press his Amendment.

MR. COLLINS thought it would be sufficient to require the assent of a large majority—say two-thirds—of those who administered the trust.

Amendment (*Mr. Wheelhouse*), by leave, *withdrawn*.

Clause *agreed to*, and ordered to stand part of the Bill.

Clauses 36 to 38, inclusive, *agreed to*, and ordered to stand part of the Bill.

Clause 39 (Combination of school boards).

MR. GORDON said, that when there was an agreement between two local boards to combine their efforts in order to secure a higher grade of education wherever they might think it necessary, they ought to obtain the consent of the Education Department. He would, therefore, move the insertion of the words "with the consent of the Scotch Education Department."

THE LORD ADVOCATE said, he did not himself think it necessary to impose his control on the local authorities; but if his hon. and learned Friend desired the insertion of the words proposed, he should offer no opposition to the Amendment.

MR. CRAUFURD said, he must complain that the clause did not confer on the central authority power to force parishes to combine, in the event of their refusing to do so from parsimonious motives. He thought the introduction of the Amendment was wholly unnecessary, as it was injudicious, in his opinion, to give the school boards greater powers than they now possessed under the clause.

MR. MILLER also thought it would be better to allow the clause to remain as it stood.

MR. BOUVERIE said, he should support the Amendment, for it would enable a rather better description of education to be given in populous parishes and boroughs, when they chose to combine for that purpose. The use of a central department frequently was to inform the local authorities of what was being done elsewhere, and to assist and advise them as to the best mode of doing it.

MR. F. S. POWELL said, he should also support the Amendment, on the ground that it would prevent a difficulty being experienced in Scotland, which had been the occasion of much disappointment in England under the Act of 1870.

Amendment agreed to.

Clause, as amended, *agreed to*, and *ordered to stand part of the Bill.*

IV. FINANCE.

Clause 40 (School fund).

MR. GORDON said, he wished to suggest that the whole of the Parliamentary Grants and fees to schoolmasters should go to the schoolmasters themselves. That had been the invariable practice in Scotland hitherto.

THE LORD ADVOCATE said, he thought the question as to the proper mode of remunerating the schoolmasters might be more conveniently and satisfactorily discussed on Clauses 50, 51, and 62. If it were the opinion of the Committee that the whole of the Parliamentary Grant, or of the fees, or of both, should go to the schoolmasters, he would make the provisions of the Bill conform to such opinion.

MR. M'LAGAN said, that after the statement of the right hon. and learned Gentleman he should withdraw the Amendment of which he had given Notice.

Clause *agreed to*, and *ordered to stand part of the Bill.*

Clause 41 (Power to impose rates).

THE LORD ADVOCATE moved, at end of clause, to add the words—

"And the school rate shall in all cases be levied and collected in the same manner as poor's assessment, and the laws applicable for the time to the imposition and collection and recovery of poor's assessment shall be applicable to the school rate."

He proposed those words on the suggestion of those who were practically acquainted with the assessment and collection of poor's assessment, and on the assurance that the Amendment would facilitate the collection of the rate.

MR. M'LAREN said, he should like to know whether the residences which were exempt from poor rate would not be liable for school rate?

THE LORD ADVOCATE said, that the school rate was directed to be imposed upon all tenants of the annual value of not less than £4.

Amendment agreed to.

Clause, as amended, *agreed to*, and *ordered to stand part of the Bill.*

Clause 42 (Borrowing by school boards).

MR. GORDON, in moving, in page 16, line 39, the omission of the words "the school fund," said, that fund ought not to be pledged as a security for the raising of money. The fees out of which the fund partly arose would in almost all cases be payable to the masters, or be otherwise specially appropriated, and the pledging the Parliamentary Grant would likewise prejudice the right of the schoolmasters. Moreover, the English Act had been strictly followed in this case.

THE LORD ADVOCATE said, he should be sorry if the Bill interfered, as his hon. and learned Friend appeared to think this clause would, with the rights of teachers. He thought, however, that a reference to Clause 40 would satisfy his hon. and learned Friend that it would not. If the Parliamentary Grant or the school fees were specially appropriated to the teachers, no creditors would, of course, lend money on such security. Nothing should be wanting on his part to secure to the teachers whatever the House in its wisdom destined for them.

MR. COLLINS said, it ought to be made clear that the children's pence could not be made a security for a loan. The Parliamentary Grant to the schools could scarcely be considered a security, as it might cease any day; indeed, he thought no one would be so unwise as to lend money on so fluctuating a security.

MR. BOUVERIE said, the Parliamentary Grant could scarcely be considered a security, as it would fluctuate in amount, or might not be earned by a schoolmaster through incompetence, or Parliament might change its mind. He would suggest that the Amendment should be withdrawn, and the following words inserted:—"other than the Parliamentary Grant and school fees."

THE LORD ADVOCATE said, there appeared to be some misconception on this subject. The school boards could only borrow in respect of the wants of the schools under their administration, and for that purpose they were authorized to pledge the income of their own schools. The language of the clause was precisely in conformity with that of the English Act, Clause 57, which enabled the school board to borrow for a term of years, not exceeding 50, on the security of the school funds and local rates. The whole of the Parliamentary Grant must go to the maintenance of the school, but it might be necessary to borrow a larger sum; and in doing so, he would take care that the rights of the schoolmasters were not interfered with.

MR. F. S. POWELL said, he would suggest that, as in the case of the English Act, the consent of the Education Department should be obtained in the case of raising funds under the clause.

THE LORD ADVOCATE said, that as he could see no objection to such a con-

dition, he should be perfectly willing to insert it.

Amendment, by leave, *withdrawn*.

On the Motion of the LORD ADVOCATE, the words—"with the consent of the Scotch Education Department," were *inserted* after "they," in line 38.

Amendment *agreed to*.

Clause, as amended, *agreed to*, and *ordered* to stand part of the Bill.

Clause 43 (Burgh school funds to be transferred to school boards).

Amendments made.

MR. DALGLISH moved, in page 17, line 24, to leave out the words—

"And the town council of every burgh shall at the time of Martinmas yearly pay to the school board thereof such sum as it has been the custom of such burgh prior to the passing of this Act to contribute to the burgh school out of the common good of the burgh, and the same shall be applied and administered by the said board in conformity with said custom."

THE LORD ADVOCATE said, he was sorry to be under the necessity of opposing his hon. Friend's Amendment; but he really had no other option in the case under notice. The "common good," as the Committee were doubtless aware, consisted of property held by the magistrates as trustees for the community, to be administered for certain purposes, and one of those purposes was the education of the children of the community. Now, in some burghs, the trustees—the magistrates—had contributed with something approaching to liberality to the cause of education. In others they had contributed very little in that direction. Now, it had seemed to him that the most proper and reasonable way of dealing with this trust money in the present Bill was not to raise any question about the past, nor to leave it to the discretion of the magistrates in time to come—but to fix the future contributions at the same amount as had hitherto been so applied. It was not in the nature of a rate; it was the administration of trust property held for particular purposes, and he could not agree to give those contributions up.

MR. DALGLISH asked the right hon. and learned Gentleman to explain on what principle he gave up the sums paid by the heritors for the maintenance of schools, while he insisted on the contributions out of the burgh funds?

MR. COLLINS considered that the principle enunciated by the Lord Advocate was a sound one.

MR. M'LAREN said, he thought that the burgh funds would be augmented generally by the alteration which had been moved by his hon. Friend the Member for Glasgow (Mr. Dalglish). In the smaller burghs, whose funds had been mostly jobbed away, they would relieve themselves of the £50 or so which they now paid to the schoolmaster, and place it on the rates—and as to the large burghs, what they contributed to education at present was the merest trifle, apart from the endowments and special funds.

DR. LYON PLAYFAIR said, that the amount of money which burghs contributed to secondary education in Scotland was extremely trifling—amounting only to about £5,000 a-year—and, therefore, if the object of his hon. Friend the Member for Glasgow (Mr. Dalglish) had been, by omitting these words, to supply a proper aid to burgh schools by rate, he would gladly have co-operated with him. But Clause 61 provided that the higher burgh schools of the kingdom should receive no aid from the school funds. If, therefore, they took away that small sum from the common good, they still more impoverished the burgh schools than at the present moment.

MR. ANDERSON said, it appeared to him that in this matter burghs and heritors must stand or fall together. The Bill would take away the management of the parish schools from the heritors, and in consideration of doing that, they had relieved them from their old payment. They were in like manner taking away the management of the burgh schools from the magistrates and town councils, and in consideration of so doing, they ought to relieve them likewise of the contribution they had hitherto paid out of the common good.

MR. KINNAIRD said, he entirely concurred in the view of his hon. Friend (Mr. Anderson).

THE LORD ADVOCATE said, the question of relieving the heritors stood for discussion at a later stage. His hon. Friend the Member for Glasgow (Mr. Dalglish) asked him to state the distinction between the contributions to burgh schools out of the "common good" of burghs and the school rates paid by heritors. With respect to the burgh

schools, many of them, according to the scheme of the Bill, were not to receive any support from rates or Parliamentary Grants. Take the case of Glasgow. Undoubtedly, there would be a very large quantity of schools there under the Bill, should it become law, to be supported by rates and Parliamentary Grants; but the Burgh School of Glasgow would not be one of them, for the Burgh School of Glasgow was not a rate-supported school—and no burgh school was at the present moment. In future, these burgh schools, which were of a class very much inferior to the Burgh School of Glasgow, would, like other elementary schools, be rate-supported, but were not so now; and the Burgh School of Glasgow, like the High School of Edinburgh and other burgh schools of a high class, would not be in the future more rate-supported than they were in the past. He should be glad if Parliament were disposed to do for Scotland what it had declined to do for England—namely, to allow a local tax to be imposed for supporting the higher class schools; but he confessed he was not hopeful in that matter, and he could not therefore consent by any provision in the Bill to forego in regard to the higher class schools which now existed the interest that they had in these funds, estates, and revenues which were conveyed to the Royal Burghs of Scotland by charters, with this as one of the trust purposes for which the conveyances were made. The rates imposed upon the heritors were taxes imposed upon the heritors of parishes for the purpose of maintaining rate schools. He trusted that his hon. Friend would perceive from this explanation the distinction between rate support, which consisted of taxes for supporting rate schools, and trust-money given for the support of schools which were not rate schools at all.

MR. M'LAREN said, he should be sorry to be a party to depriving any school in Scotland of one shilling of the money it now received—he was disposed to increase their emoluments rather than diminish them; but he thought the right hon. and learned Lord Advocate had overlooked one thing, and that was, that in two-thirds of the burgh schools of Scotland the children began at the very beginning, and went through a course of the most elementary teaching.

Amendment, by leave, *withdrawn*.

Mr. GORDON said, they were all agreed that the benefits of higher class schools were very much required, and they would be happy to see assistance afforded by the Chancellor of the Exchequer; but after the expressions which fell from the right hon. Gentleman on a recent occasion, he feared they had little hope of obtaining aid in that quarter. Moreover, the question of a rate for the purpose seemed to be excluded under the Bill. The elementary schools would, of course, be supported by means of the rate; and as the contributions payable from the common good of the burghs were a fund applicable generally towards the support of higher schools, he thought it would be desirable that all contributions paid to the school boards out of the common good should be applied to the support of the higher schools. They would thus have, to a certain extent, assistance in setting up higher education in some of the schools. He proposed, in line 29, after "board," to insert these words, "for the purpose of promoting higher instruction."

Mr. McLAREN said, it struck him that this was an extraordinary Amendment to put into the Bill. Its effect would be that the funds which were now given for the benefit of the rich and poor alike was to be given to those only who were educated in the higher subjects.

Mr. GORDON said, that that was a misapprehension, for the higher education which was now provided in schools was given alike to the rich and poor.

Mr. MILLER feared that the effect would be in small towns to deprive the poorer classes of that which they at present enjoyed.

Dr. LYON PLAYFAIR did not think that the Amendment would abstract money from the poor, the object being to carry out what was peculiarly a characteristic of Scotch education—namely, that a higher class education was so provided as to be applicable to poor children.

Amendment agreed to.

Dr. LYON PLAYFAIR, in moving, in page 17, line 29, after "custom," the insertion of words to the effect that the town council in a burgh should, when required by the school board, provide funds as heretofore out of the common good for the maintaining and renewing the buildings of such burgh school in

an efficient state, said, that it was not his intention to persevere with the Amendment; but he took that opportunity of asking the right hon. and learned Lord Advocate how the burgh schools were in future to be maintained and enlarged without the imposition of a rate, or some other means which did not appear on the face of the Bill?

THE LORD ADVOCATE said, that if he rightly understood the question it was how the burgh schools should be kept in repair, and be enlarged as occasion might require. The burgh schools, according to the provisions of the Bill, were of two classes; they were the higher class burgh schools, which were separately provided for; and the burgh schools generally, which were provided for in the Bill. With respect to the latter class, they were not in a different position in respect to their maintenance and repair than any other public schools under the Bill. The rate-supported schools would be resorted to in order to maintain a sufficient number required by the population; while the higher class schools had already sufficient revenues to enable them to give a much higher class of education. In such cases, for instance, as that of the Glasgow Burgh School, it would be kept in repair out of its revenue; and if that revenue fell short, there would be no other source than that derived from endowments or from any funds which the liberality of the inhabitants of the district placed at its disposal. That remark would equally apply in the case of the High School at Edinburgh. In point of fact, they would stand upon their old footing; and while he should be sorry if it was proved that the liberality of the future inhabitants should not prove equal to such a charge—a calamity in no way foreshadowed by the conduct of the existing ones—he could not hold out any hope that they would receive contributions from the public money.

Dr. LYON PLAYFAIR said, he had not suggested that any money should be asked from the public Exchequer, but when they came to Clause 61, dealing with the higher schools, he should propose that the districts should be allowed to rate themselves when they voluntarily desired it, for it was absurd to suppose that the endowments, which were of small amount, would suffice to maintain in repair and enlarge those schools. He

would, therefore, withdraw his present Amendment, and raise the question again on Clause 61.

Amendment, by leave, *withdrawn*.

DR. LYON PLAYFAIR moved the insertion, in line 30, of the words "with the sanction of the Education Department," after "to time."

Amendment *agreed to*.

Clause, as amended, *agreed to*, and *ordered* to stand part of the Bill.

Clauses 44 to 49, inclusive, *agreed to*, and *ordered* to stand part of the Bill.

Clause 50 (School fees).

MR. GORDON moved, in page 19, line 23, after the word "schools," to insert the following words, "subject in case of complaint by any person having interest to an appeal to the Board of Education."

THE LORD ADVOCATE said, he could not consent to the Board of Education being made a Court of Appeal in any case where parents might complain of the school fees.

Amendment, by leave, *withdrawn*.

MR. GORDON, in moving, in line 25, to leave out from "paid" to end of clause, and insert—

"Payable to the principal schoolmaster or schoolmistress in charge of the school; but where there is more than one teacher subject to such division as may be made by the school board, with a right of appeal by anyone having interest, to the Board of Education; and the school board shall pay out of the school fund to each schoolmaster or schoolmistress an annual salary, to be fixed on the occasion of each appointment, of an amount (unless the Board of Education shall in any case otherwise determine) not less than fifty pounds nor more than one hundred pounds in the case of a schoolmaster in a burgh school, and not less than thirty-five pounds nor more than eighty pounds in the case of a school in a landward parish, and not less than twenty-five nor more than fifty pounds in the case of any schoolmistress. The schoolmaster or schoolmistress shall likewise be entitled to the interest or annual produce of any bequest or endowment for his or her behoof, and to any Parliamentary Grant which may be earned in respect of the school under his or her charge, under deduction of payments to pupil teachers, if any: Provided, That the salaries and scales of fees of schoolmasters and schoolmistresses appointed before the passing of this Act under the recited Acts, or any of them, shall not be reduced; and that the school board may, if they think fit, from time to time raise the salary of any schoolmaster or schoolmistress, so that the amount thereof shall not exceed the maximum hereinbefore provided,"

Dr. Lyon Playfair

said, that in all statutes dealing with the salaries of Scotch schoolmasters a maximum and a minimum amount of remuneration had always been fixed. The Bill of 1869 contained a provision to the same effect, which was adopted by this House after full discussion, and it would probably be the more necessary on account of the transfer of the management from heritors who had often paid sums considerably in excess of their legal obligations to local Boards. The latter in some cases would no doubt be liberal, but in others there might be a desire to save the rates. He, therefore, proposed that the masters should receive, as hitherto, the Parliamentary Grant and the produce of any endowment, and should likewise have a salary of not less than £50 and not more than £100.

THE LORD ADVOCATE said, he would at once admit that this was a very important question, involving as it did the liability of the people to pay rates to provide the salaries under discussion. A calculation had been made by which it had been shown that the cost would amount to nearly £400,000 a-year, a bonus which, if granted, would probably result in the schoolmasters of England and Ireland demanding the like liberality. Not only that, but the hon. and learned Gentleman could scarcely have calculated the amount which masters would receive in the shape of fees and Parliamentary Grants, especially in schools with from 300 to 1,000 children. If a master received £300 a-year from these sources, would his hon. and learned Friend still award him a statutory salary out of the rates? Such a course had never been dreamt of in England; and were the Scotch so rich and so indisposed to liberality, and even to justice, that it was to be applied to them? It was all very well to fix the minimum of £35 for rural parishes, where there was only one school, but the Amendment would apply to hundreds of schools. He would, moreover, remind the House that no Amendment that they could make would affect the amount of the fee, and it was proposed to be given in proportion to the efficiency of those who attended. He must also say that he could not approve of the Amendment, because it threw on the inhabitants of the district the expense of erecting and maintaining buildings out of the local rates. The matter

really stood thus—by the Bill schools would be established wherever they were needed, and they must be of a certain class, and maintained up to a certain standard at least. Every school must have a certificated master, and his qualifications might be as much higher as the district pleased or required. The people of every district were thus encouraged to have the schools made as good as possible, for in proportion to their excellence would the Parliamentary Grant be distributed, and that was an encouragement to the ratepayers to equip the schools well, so as to entitle them to the receipt of Government aid. But it was for the managers to make their bargain with the teachers, and if they desired a higher education than was required by the Government Grant, they would have the right to demand a higher qualification. Every inducement was therefore offered to the school board districts to appoint well-qualified teachers, capable of giving the children a good education. In short, the people of Scotland desired to give their children a good education, and the Bill would give them all the necessary machinery for gratifying that desire; all the Government insisted on was that these qualifications should not descend below a certain point. He, therefore, thought there should be no interference with the bargains to be made by the boards and their teachers. Could not the teachers take care of themselves? Good teachers must be had, and good teachers would find their price; and if an efficient teacher were giving a good education in a school, and obtaining for it the largest amount of Parliamentary Grant that could be obtained, would it not be necessary to pay him high terms in order to retain him? The eyes of school boards, who would be pecuniarily interested in such matters, would be turned towards him, and he would be taken away if there were not sufficient inducement to him to remain. In short, the demand for his services when required would follow the natural operation of the law as regarded supply. The fact was, there was a field opened up to teachers by the Bill which had never existed in Scotland before; and why, then, should not they be left to make their own bargain, like the schoolmasters in England? The notion that they ought to have both the fees and the Parliamentary Grant pro-

ceeded upon a mistake, for what the Government said to the school boards was precisely what it said to the school managers. It encouraged them to provide and equip schools of the best description, and to employ schoolmasters, who would give a good education to the children by contributing money, in the shape of Parliamentary Grants, according to results. He did not see how it was possible to apply the fees and the Parliamentary Grant in the manner now proposed. There would be something like 300 schools to be provided in Glasgow alone. Now, the expense of providing a school for 300 children would be about £1,500—£5 a child being the ordinary estimate. A school to accommodate 1,000 children would cost £5,000. The schools, too, would have to be upheld, and the resort to the borrowing powers to raise money in order to provide school buildings would be very extensive. The money invested in ground and buildings would be of large amount, and part of the fees and the Parliamentary Grants would be required to enable the managers to meet the interest and pay off the debt, besides meeting the expense of the equipments and the staff. There would, therefore, no doubt, be a large amount of money to be borrowed on the security of the school fund, and was there to be no relief out of the Parliamentary Grant and the fees? He ventured to say that such a proposal was extravagant and almost ridiculous, and yet the Scotch schoolmasters had by their importunity induced Scotch Members to advocate the proposal, and had tried to make it appear that they were ill-used by the Bill, and so had obtained a large amount of unfounded sympathy. But he would ask not only Scotch, but also English and Irish Members, to consider that if Parliament consented to give Scotch schoolmasters all fees and all Imperial grants, and a fixed salary in addition, to be paid out of local taxation, how long it would be before the schoolmasters of England and Ireland would demand to be placed on the same footing? Why should they be dealt with differently? With what justice, with what sense of fair dealing, could they refuse to England and Ireland that which had been granted to Scotland? For those reasons, he strongly opposed the Amendment, and he did so in the belief that school-

masters were, as regarded their remuneration, treated in the Bill justly and liberally.

DR. LYON PLAYFAIR said, he would recommend his hon. and learned Friend (Mr. Gordon) to withdraw his Amendment, because a portion of it was embraced in the Amendment to be moved by his hon. Friend the Member for Linlithgow (Mr. M'Lagan). He had no complaint to make against the speech of the right hon. and learned Lord, except that it was an answer by anticipation to the speeches which his hon. Friend the Member for Linlithgow and he meant to deliver on a subsequent Amendment.

MR. BAILLIE COCHRANE observed, that the good education of Scotland hitherto was owing to the high qualifications of the teacher, and the liberal manner in which he had been treated. There was no point to which the people of Scotland attached such importance as the proper payment of the schoolmaster; but what the Lord Advocate wanted was cheap education.

MR. GORDON said, he would adopt the suggestion of the hon. Member for the University of Edinburgh (Dr. Playfair), and withdraw his Amendment in favour of that of the hon. Member for Linlithgow on Clause 52.

Amendment, by leave, *withdrawn*.

DR. LYON PLAYFAIR moved in page 19, line 27, after "and" to leave out to end of clause, and insert—

"The schoolmaster, schoolmistress, and teachers of a school shall be entitled to receive from the school board the full amount of the fees received by the board in respect of such school, and, when there is more than one teacher, the said amount shall be divided and distributed among them as the school board shall determine."

The Committee had already heard a speech against allowing schoolmasters to receive the fees. His Amendment was copied *verbatim* from a clause in the Bill introduced by the right hon. and learned Gentleman last year. There was, therefore, nothing shocking in the idea that fees should be given to schoolmasters, neither was there anything in the proposition to which the Government could or ought to offer objection. In fact, a clause giving fees to schoolmasters appeared in the Bill introduced by the Government in 1869. It was quite true that in the English Act there **was** no such clause, and the right hon.

and learned Gentleman asked why Scot-

The Lord Advocate

land should be treated differently from England. The simple answer was because Scotland was not England—because Scotland for centuries had had a system of national education, under which the fees were paid to the schoolmasters. It was the universal practice in Scotland for not only teachers, but the highest professors to depend chiefly upon fees. University Professors received an extremely small sum from endowments, their main reliance was on fees, and that system had an admirable effect, because it stimulated the Professors to activity. The main reliance also of teachers of schools was on fees, and that system stimulated the teachers enormously. His right hon. and learned Friend proposed, however, to hand over the fees to what he called the School Fund, which was to be applied according to the ideas of the school board. What was wanted was simply this—that the school board should make what bargain they chose with the schoolmaster. If he received a large amount in fees, he would receive a less salary; but by giving him an interest in all the fees he would have the greatest interest in keeping his school in a state of efficiency. The great objection which he entertained to the Bill was that it was an attempt to Anglicize Scotch education, and it was with a view to prevent that sad consummation that he entreated the Committee to follow in this instance the wise counsels which the Lord Advocate gave in 1871, and his predecessor in 1869.

Amendment proposed,

In page 19, line 27, to leave out from the word "and" to the end of the clause, in order to add the words "the schoolmaster, schoolmistress, and teachers of a school shall be entitled to receive from the school board the full amount of the fees received by the board in respect of such school; and, when there is more than one teacher, the said amount shall be divided and distributed among them as the school board shall determine."—(*Dr. Lyon Playfair.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

MAJOR WALKER bore his testimony to the immense advantage of retaining the present system of fees in Scotland. Speaking from his experience of a large agricultural district in Scotland, he believed that to do away with the interest which teachers had in the fees would be to inflict a serious blow on education, and reduce it to the dead level of mediocrity.

MR. ANDERSON said, that the proposal before the Committee did not carry out the intention of the hon. Gentleman, for there was nothing in the words of the Amendment to compel the school boards to give the fees. It was desirable that the schoolmaster should to some extent be paid by results, and therefore he would not compel the school boards to give the whole of the fees, but only a part.

MR. W. E. FORSTER said, that although he was anxious not to interfere with the Scotch system of education by means of English opinions, still he wished the Committee to bear in mind conditions which appeared to apply to Scotland as well as to England. In Scotland as well as in England they were imposing this duty upon every district—that the education of every child should be provided for. In Scotland they had the enormous advantage of that principle having been acknowledged centuries ago, whereas in England it was comparatively new. But still it was necessary to extend the principle over the whole of Scotland, so that in every parish the ratepayers would be responsible for the education of every child, however poor. When they imposed on the ratepayers that duty it seemed but common sense to leave them entirely unfettered both as to the men they were to employ and the mode in which they were to pay them—in short, to allow the matter to be regulated by the action of supply and demand. If the fees were to be given as now proposed, all the influence of the schoolmaster—and that was not slight—might be brought to bear in order to have high fees. ["No!"] Assuredly, if he was to have the fees, his interest would be to have them as high as possible. And, secondly, the schoolmaster might try to fill the school with children who were able to pay the high fees. But what was especially important in poor districts and in large towns was that the children of the poorest parents should be encouraged in every possible way to come to school.

MR. CARNEGIE said, he thought that the school boards would in most cases make arrangements that the schoolmasters should have the fees; but it would be better not to compel parishes which might be peculiarly situated.

MR. C. DALRYMPLE said, that although he should support the Amend-

ment, yet he thought there was a twofold risk in the matter—that the school boards would not be of high quality, and lest they should starve the schoolmasters. Though at present the feeling in Scotland was very strong in favour of education, yet it was possible when the school boards found out their power they might try to cut down the income of the schoolmasters, and for that reason he hoped before the Bill passed through Committee they would be able to procure a somewhat larger provision for them.

THE LORD ADVOCATE said, his hon. Friend the Member for the University of Edinburgh was not right in stating that his Amendment was taken from the Government Bill of last year, for the fact was that it was not contained in that Bill. However, having since consulted some gentlemen of great experience upon the question, he had now come to the conclusion that a modified form of it would be very advantageous, for it was undoubtedly true that the Amendment proceeded upon the custom of Scotland in the parish schools, which was, that the schoolmaster should receive the fees. That, however, was not the most convenient arrangement, and he preferred to leave it to the option of boards and schoolmasters to stipulate that the latter might take their chance of the fees, so far as they went. There were many cases in which that arrangement might conveniently be made; but there were others in which it might not be expedient, for a master might prefer to have a fixed salary, and let the fees go into the school fund. There were cases, too, in which it would be quite wrong to compel a school board to hand over all the fees to a teacher. Was it not better to leave everything connected with emoluments open to arrangement between the parties? He regarded it rather as a matter of detail than one of vital importance, and would prefer that arrangements should be made according to the circumstances of each case and the district in which it arose.

SIR ROBERT ANSTRUTHER said, he hoped the right hon. and learned Lord would not depart from the great courtesy and kindness he had exhibited towards Scotch Members, and that he would adopt the course desired, for the opinion of the Scotch people was decidedly favourable to the Amendment, which was only to continue a system that had existed in Scotland for hun-

dreds of years. It was not to the interest of a schoolmaster to have high fees and but few children in his school, and therefore the fears of the Vice President were groundless. The proposal, moreover, was, that a schoolmaster should have what he earned, and who else ought to have it? He submitted that the Government ought to accept the proposal.

SIR GRAHAM MONTGOMERY said, he believed there would be heart-burnings in many minds if a share of the fees was not given to the schoolmasters. He hoped, therefore, the Government would give way.

MR. M'LAGAN said, that in the Amendment which he had put on the Paper he had copied the words of the Lord Advocate's Bill of last year. He thought the Government should yield, and spare the Committee the necessity for a division upon the point.

MR. M'LAREN said, he would believe that Scotch Members were in favour of this proposal, when he saw the Division List, but not till then. He thought that to alter the Bill would be to injure it, and should therefore support the proposal of the Government, and trusted they would stick to it.

Question put.

The Committee *divided*:—Ayes 121; Noes 108: Majority 13.

Committee report Progress; to sit again upon *Monday* next.

And it being now Seven of the clock, House suspended its Sitting.

House resumed its Sitting at Nine of the clock.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

NAVY—SYSTEM OF NAVIGATION.

RESOLUTION.

MR. HANBURY TRACY, in rising to call attention to the system under which Her Majesty's ships are at present navigated, and to move—

"That, in the opinion of this House, the time has arrived when the maintenance of a separate and distinct branch of officers for navigating duties is no longer desirable in the interests of the *Naval Service*,"

Sir Robert Anstruther

said: The question which I am desirous of bringing before the House is the present system under which our ships and vessels are navigated; and, although I much fear that the discussion must, to a great extent, prove uninteresting and technical, yet, as I believe it is a matter of the very gravest importance, I trust the House will allow me to go somewhat fully into the subject. Under the existing arrangement, it is well known that a separate class of officers formerly termed masters, now called navigating officers, is maintained for the distinct duty of what is termed navigation and pilotage, whereby it is supposed that a more competent set of navigators and pilots are obtained than could be procured if these duties were undertaken generally by the executive branch. I am anxious to show to the House, that even if it were necessary to have the duties restricted to one branch, that the present system has of late utterly broken down, and must be entirely remodelled; and, secondly, I wish to prove that the only true alteration and satisfactory solution must lie in the entire abolition of a separate grade, and in throwing these duties to a far greater extent than at present upon the captain and commander of a ship. I maintain, Sir, the knowledge of practised navigation has of late been neglected very much by our executive officers, and it has become to be considered a totally secondary consideration, instead of being, as it certainly ought to be, of primary importance. Officers seem to forget that unless a ship is skilfully and safely navigated any other qualifications they may possess are of little avail, and they do not consider that unless a ship is properly handled and piloted, not only are the lives of all on board endangered, but she is rendered utterly and entirely useless. It seems to me perfectly absurd and ruinous in the highest degree to allow our officers to look upon these duties as trivial; and yet, Sir, unhappily, the long list of vessels which have got ashore during the past 10 years seems to prove conclusively that this state of feeling is spreading, and that there is something radically wrong in the system under which our vessels are navigated. In the present day, the handling of one of our large iron-clads is no easy task, and is a very different thing to what it was in the days of sailing vessels. You

go now at terrific rates of speed—18 and 20 knots an hour; you have huge and clumsy vessels to deal with, and the difficulties are increased ten-fold. At no period of our history was it ever so essential to guard with the most scrupulous jealousy that the safe navigation of ships was in fit and proper hands; and yet, notwithstanding this, you still retain the old anomaly of having sea nurses for your captains with divided responsibility, and actually prevent your commanders and captains from acquiring that intimate knowledge of practical navigation and pilotage, and that confidence in themselves, which it is impossible for any impartial man to deny must render a captain infinitely more competent to command. You admit that in all the great passenger fleets—in the Cunard, in the Peninsular and Oriental Company, and in the whole Mercantile Marine of the world, and in every foreign navy—the captain is not only responsible in name, but in deed. It is considered in all those fleets that the captain, with proper assistance, is the only man who can do the work properly. He alone can alter the course, make and reduce sail, ease and increase speed, being the only person on board who is perfectly free and uncontrolled. He it is who is entrusted with the lives of all on board. But, Sir, in the English Navy—which you pride yourselves is the finest in the world, where you have vessels worth half a million of money, where you have interests committed to its charge of the greatest and most vital importance, second to none other—you entrust this great duty of navigating your ship to another officer, and that officer one who you take no trouble to render competent—an officer who, from the time he enters the service, seems to have no friend, is looked down upon, and is made a drudge of. You give this officer no authority—he cannot make the slightest alteration in the course without leave of the officer of the watch—you give him no social status equal to his brother officers; and, to crown all, you take away all prospect of promotion, and every inducement to become zealous and energetic.

Is it to be wondered at that high-spirited officers placed in this extraordinary position become discontented; and is it surprising that the other officers look upon the duties performed by the

navigating branch as of secondary importance, and that your captains arrive at that rank without having paid any attention to what they consider the navigating officers' work—a duty of a separate branch? It is very easy to understand the theory which is sometimes advanced that pilotage and navigation are such peculiar duties, requiring such delicate and careful manipulation, such experience, such confidence, and such intimate acquaintance with harbours and vessels, that it is necessary to have picked officers for this particular duty, who, by devoting their lives to this one subject, become most able and skilful navigators, and that in this manner a superior race of pilots and navigators can be trained up. But, Sir, without going into the question for the moment as to whether or not it is beneficial to have this trained body of men, it is an actual fact—which I defy anyone to disprove—that at this present moment you have not got them, and that your navigating class, separate though they may be, actually receive no special training, and are not selected. If we look back two centuries, and even up to 50 years ago, we find to some extent that this theory of having a trained body of officers was carried out.

In Henry VIII.'s time, when war ships were first built, no attempt was made to organize a professional race of naval officers, and in lieu thereof masters of merchant ships were specially selected as good navigators, and were put in charge of the equipment, stowage, and navigation; and the fighting of the ships was entrusted to military admirals and captains quite innocent of all knowledge of seamanship; and thus soldiers fought the ship, and a few seamen were engaged to take the fighting machine about. As far as I can discover, the French first commenced to organize a naval profession in 1672, and we quickly followed suit, though retaining the masters of the merchant navy to assist.

Now, Sir, comes this extraordinary fact. I find that as the race of our naval officers grew up well trained in nautical knowledge, that when Lord Pembroke was First Lord of the Admiralty, in the year 1692, the evil of confining the professional knowledge of navigation to one man was found so great that an order was actually issued that all commanders of ships were to pass the Trinity House and be examined

as master; and five years after, in 1697, we find another order was issued by Lord Orford that the race of masters were gradually to be abolished, and the captains of 6th rates were ordered to do the navigation duties themselves, and to be called "Commander and Master." This state of things appears to have remained in force until the breaking out of the French War, when, unfortunately, it was found necessary to expand the Navy enormously, and for this purpose a large number of masters were once more introduced into the service from the merchant navy. At the close of the French War the service had got so accustomed to trust to the master for the navigation that no one liked to abolish them; and as time went on they became indispensable, as officers neglected navigation more and more, and in many cases captains, when appointed to their ships, had been so long unemployed that they clung with the greatest tenacity to the master class. These old masters who were introduced were generally of a mature age; they brought with them experience, great practical ability, and their superior seamanship commanded respect. They also had great incentives to zealous work, and looked forward cheerfully to lucrative appointments, which were then open to them. In those days there was one special reason which prevented the line getting as strongly marked as it now is—namely, that a large number of midshipmen and mates were continually being sent away in prizes, and who thus at an early age acquired confidence and experience as navigators.

We thus see that up to the close of the French War the theory of having selected officers was carried out by introducing picked men from the merchant service who were thorough seamen, thorough navigators and pilots. But, Sir, from the year 1824 to this date this selection has, I fear, been entirely swept away. Who are now our specially trained and picked officers? Where do our officers obtain that knowledge which so peculiarly fits them as pilots, and which gives them such an intimate acquaintance with all the harbours and channels of the world? I fear that the answer to these questions cannot but show up the hollow farce which has been enacted since 1824. In that year you ceased to select from the merchant

service, and commenced to rear up a special branch of navigators from lads of about 16 who were entered as masters' assistants. Unfortunately, Sir, this special training has been a perfect myth. You commenced by giving these nominations in many cases to boys who were very much inferior in general ability to your cadets in the other branch. Admiral Sullivan and Admiral Fanshawe gave rather strong evidence on the point before the Committee on Masters in 1862. Admiral Sullivan said—

"I have known those appointments given in succession to second-rate tradesmen's sons of a naval borough; so that I heard once a man who examined them say, that out of a long batch there was hardly one who had even the appearance of being a gentleman's son. I think that has not been so for many years now; I think that they are generally much of the same class as the executive rank."

Admiral Fanshawe said—

"In the last ship that I was in, the masters' assistants were immeasurably inferior to the naval cadets in all the subjects of which tabulated forms came in to me, and in their studies under the naval instructor they were always the worst, and it was the same in other things. They were dull; they were not easily stirred up to compete, and there was not much emulation amongst them."

Of course there have been bright exceptions, and several sons of old and distinguished officers have entered under these nominations; but still far too large a number of lads without ability or position have been considered sufficiently qualified to train up as navigators. Well, Sir, from the day these lads enter, instead of attempting to repair the damage of defective early education, every obstacle is thrown in their way against obtaining knowledge as seamen and navigators. You station your young navigating officer in the store rooms, holds, and tiers, instead of obliging them to be constantly on deck, where alone they can obtain an insight into their peculiar calling. I am well aware that of late years a slight improvement has been made in this respect, especially in the Mediterranean Station; but, practically, it is still in force generally throughout the service; and, as a matter of fact, I apprehend it cannot be denied that hardly any training is given to the navigating officers before they are placed in charge of vessels. Even when these officers are passing their examination, you do not allow them to go to the Naval College. Nobody seems to care for them; and it is

Mr. Hanbury Tracy

a perfect marvel to me how they are able to get on at all. It is generally admitted that, in nine cases out of ten, these young officers gain their experience after they become navigating lieutenants. In the Baltic some very curious instances of this kind occurred. Admiral Sullivan, in his examination on this point, said—

“In the Baltic the second master of a flag-ship, when offered a death vacancy, went to the master of his own ship and said—‘I am afraid to take it, I know nothing of pilotage and navigation, and I should be afraid to pilot the ship; what had I better do?’ The master argued with him, and said—‘You will soon pick it up, I dare say, and you will do as well as the others.’ He took the post, feeling his incompetency. . . . Some of the young masters in the Baltic were really so incompetent, that the things done there were almost incredible, and several captains complained to me of the utter uselessness of the masters, that, for the first time, they had been obliged to take the navigation and pilotage upon themselves, and learn it, as it were, because the masters were utterly useless; therefore it is clear that they had not had the training before they undertook the duties. . . . It is a mistake to suppose that you get a scientific body of officers, you get good practical sailors and navigators for the ordinary work of surveyed harbours, but place them on a new coast in a difficult position in an unsurveyed place, and they will be just as much adrift as the other officers.”

Admiral Key, who is well known as one of our most distinguished officers, alluded strongly to this point. He was asked by Captain Richards—

“Do you think, as a general rule, that the practical part of a navigating officer's duty is learnt after he becomes a navigating officer by experience afloat?—After he has become a master. Just so?—In the early part of my service, masters' assistants and second masters were educated in the holds of ships; and I have known a great many instances in which they have been suddenly brought on deck to be put into the position of masters of ships.”

I do not mean to imply that you have not some very competent navigating officers; but the result of this curious system is that you have frequently many of your ships in the greatest possible danger during the time that the navigating officer is acquiring experience. I can perfectly understand that some men should have such a high opinion of the difficulties of navigation as to think it necessary to train up a special class selected for that duty; but I cannot comprehend on what possible ground you can defend a special class without special qualifications. Can any reasonable man deny that if you have a navigating class they ought to be selected for their peculiar fitness for that office?

Now, Sir, I hope it will not be thought that I wish to disparage or cast a slur on the navigating officers as a whole. I am well aware that you have among them some very clever and distinguished men. After these officers have acquired experience, many of them became very clever pilots and navigators, notwithstanding the continuous slight and annoyance they are daily subject to, and notwithstanding the fact that they are an isolated body without promotion to look forward to, or any real inducement being held out to them to work. Some nine years ago, when discontent had reached a point which could not be ignored, the Admiralty attempted to make the position of what was then called masters somewhat more tolerable; but like most half measures, the remedy has completely failed in giving satisfaction. The name of master was then abolished, and the cognomen of navigating lieutenant and staff commander were introduced, making them retain, however, their old position as junior to the lieutenant of the watch. The result of this change has, I fear, rendered matters much worse. It has had the effect of drawing the line of a navigating class much sharper and clearer. Even the additional rank, which was given as a sop, with the extra amount of gold lace, has proved a matter of heartburning and soreness. You have not, and cannot do away with the peculiar inferior social status they are placed in. Unfortunately, there is still existing throughout the service an amount of grumbling and discontent which has the effect of making officers callous of their work, and must prove a source of weakness in time of danger. Navigating officers find themselves hampered at every turn in carrying out their duty—constant irritation must beget slovenly work. You may depend upon it that officers will not do their work efficiently when they are discontented.

I will not, Sir, dwell further on this part of my Motion. Whatever course it may be found necessary to take, I am confident that matters cannot remain as they are, and I think I have proved that even if you continue a separate class the present system is so unsatisfactory that it must be entirely remodelled. But, Sir, let us examine my second proposition—that the only sound remedy is total abolition and to throw these duties on the executive officers. During the last 10

years there have been three Committees which have more or less examined into this subject, and have brought together a mass of most valuable evidence, a portion of which I will quote from. We have the Report of the Committee on Naval Promotion and Retirement; secondly, the Report of a Departmental Committee; and, thirdly, we have the Report of the Committee which inquired into the question of the Higher Education of Naval Officers. Captain Washington, the late Hydrographer of the Navy, drew up a very carefully expressed Memorandum, which he laid before the Committee of 1862. In this paper he shows very clearly the prejudicial effect this separate branch has on the other officers—

“I think it cannot be denied that the system of entrusting the pilotage and navigation of Her Majesty's ships to a single class, as masters, must have a tendency to beget indifference or inattention to those particular duties in the lieutenants and other officers of the main executive branch. It can hardly be expected that a young officer, who knows that when once he has passed his examination at the Naval College, he will probably never be called upon to navigate a ship, should keep up his knowledge of navigation or astronomy. The master is there to attend to such duties, and why should he give himself any trouble about it, unless an officer has a special taste for the subject, such as is, I fear, too generally the result. Whereas, by throwing the work and responsibility of navigating and piloting and conning the ship on the lieutenants and other officers of the executive branch, a more general acquaintance with those duties would be cultivated and diffused throughout the service; emulation would be encouraged, and those who might subsequently be called upon to command Her Majesty's ships, even if they had not performed the special duties of a navigating officer, could not fail to have a more general knowledge of those subjects, and thus prove far more efficient commanders and captains.”

Then, again, Sir, we have the strong testimony of Admiral Sullivan, and it must be remembered that both of these officers have been surveying captains, and therefore having studied the question in a practical form are most competent to form a true and unprejudiced opinion. Admiral Sullivan was asked—

“Do you think it would be beneficial to Her Majesty's Naval Service in general if the class of masters, second masters, and masters assistants, were done away with as a separate branch of the service?—Most decidedly. I think that the present system is merely the result of the old custom, when sailors only navigated ships, and soldiers fought them; and that has been handed down by degrees until the service is totally altered, and yet the anomaly of the separate class is retained; that is the only reason that I have ever been able

to see in the slightest way for having two classes of executive officers in a ship.”

I know, Sir, that some officers think that these opinions are only shared by surveying officers. Indeed, I was gravely informed the other day, that no captains or admirals who had sailed with a fleet were in favour of the change.

Now, Sir, it so happens that we have unmistakable proof to the contrary. We have the recorded evidence before the Committees of seven admirals and 11 captains in favour of abolishing the separate grade as at present constituted. These names include some of our most distinguished officers, and they cannot fail to carry great weight in solving the question. We find amongst them Admirals Sir Spencer Robinson, Sir William Hall, Sir Frederick Nicolson, Sir B. Sullivan, Hon. J. Denman, Fanshawe, Cooper Key; Captains Goodenough, Corbett, Arthur, Moorman, Bradshaw, Chatfield, Shortland, Field, Rice, Rolland, and Nares. But, Sir, these are only names of officers who have given official evidence. I could, if it were required, quote a long list of other distinguished and gallant officers who are in favour of the change; but I have thought it best to confine myself exclusively to the evidence which is now on the Table of the House. The evidence of some of these officers is so much to the point that I hope the House will allow me to read a few extracts. I find that Admiral Fanshawe, who is now Commander-in-Chief on the North American Station, stated in evidence—

“I should propose that the regular naval service should do the masters' duty altogether, and that the masters should cease to exist as a separate class. I think now, taking the service as it is, that they are what might be called an unnecessary excrescence upon the service; it was not the case in olden times, but it is so now. . . . I feel very strongly now that the circumstances under which the masters were beneficial to the service as a separate class have passed away, and that being no longer beneficial to the service, it is very desirable to get rid of them as a separate class. . . . I think it stands to reason that a man who has had those duties to perform, and has navigated a ship, and had the responsibility attaching to it as lieutenant, would have perfect confidence in himself as a captain.”

Then Admiral Sir Frederick Nicolson, who was a Commodore, and was some years in China, stated—

“Many young officers work up their navigation so as to be able to pass their examinations, and then it dies away entirely out of their minds.

Mr. Hanbury Tracy

But I do not see any difficulty in making captains entirely responsible for the navigation. I think that the divided responsibility between the captains and masters has always been a drawback, both with respect to the navigation and pilotage. I dare say, if the thing could be traced out, ships have got on shore, and may even have been wrecked, owing to that divided responsibility."

Admiral Denman, who has only lately been in command of the Pacific Station, when asked if he would do away entirely with the masters as a class, said—

"I would. I think great advantage would accrue from it, as introducing more harmony into the service."

And then he was asked—

"Would not the frequent change of the navigating officer on his promotion or otherwise deprive him of the experience necessary for the safe conducting of our large ships?—I do not think so at all. I think that the attention of some of our ablest officers would be constantly given to the subject, and all officers would give more attention to it than they do now. I think you will find that at the present moment that objection would apply to the masters of one half of our large ships—namely, that they are very young masters—masters of six or seven years standing. I consider that the special duties of a master are not in any degree more difficult to learn than the duties of seamanship in general; and that any man who is a thoroughly good seaman, and an educated man, could, in a very short time, acquire all the special knowledge which is required of a master."

Admiral Ashley Cooper Key, who has been appointed to superintend the College at Greenwich, and is most deservedly regarded as one of the most scientific officers in the service, and one who probably knows more about the requirements of young officers than anyone else, was asked—

"You are aware that the question of the abolition of navigating officers as a separate class, has frequently been urged upon the Admiralty. Supposing that measure should ever be adopted, do you think there would be any difficulty in inducing sub-lieutenants and lieutenants to qualify themselves for the performance of navigating duties on board ship, including, of course, pilotage?—No; I do not think that there would be any difficulty whatever in finding a sufficient number of sub-lieutenants and lieutenants to qualify for those duties."

The evidence of Admiral Sir W. Hall, well known as "Nemesis Hall," is also very important. This officer was at one time a master, and was promoted for gallant conduct in China. There is, perhaps, no one who from actual experience, first as master and then as captain of a ship, has a better right to be heard. He stated, before the Committee—

"I have long been of opinion that the line of masters, from their not having sufficient rank, and not receiving that encouragement to which from their services they were entitled, ought to be done away with altogether, and that well-qualified lieutenants ought to be selected to navigate the ship, under the captain, and that the navigating lieutenant should undertake all the duties that the master has now to perform, with better pay, and the same chances of promotion as the other lieutenants. I have known, during my long service, many ships nearly lost by running on shore and foul of other vessels, for want of the authority which, as masters, they ought to have possessed. I have known the lead's-man taken out of the chains, the masthead-man called down to wash decks, and a request to just lower the peak, or hoist the jib, to clear danger, to have no attention paid to it by the lieutenant of the watch. In fact, there has always been a sort of jealousy and rivalry existing between the master and the other officers, and I have found that the public service suffers by it."

Then, Sir, we have also the testimony of Mr. Pullen, a master of considerable standing, in favour of the change, and being in command of a vessel, he speaks from his experience, not only as a navigating officer, but also as a captain, thoroughly versed in these duties. He says—

"My opinion is, that you would add considerably to the efficiency of the officers in the service, if the masters, as a class, as they are at present, could be done away with. I am speaking now as a master in command of a ship; I think that the entire navigation of the ship, and all the responsibilities attached to it, ought solely to be entrusted to one person. I think that that is the duty of the captain of the ship. . . . My ideas may be peculiar upon that point. I am in command of a ship myself, and in the position that I occupy, I feel that I could not tolerate any one in her to navigate under me—in fact, I do it all myself. I take the sole responsibility of whatever happens in that ship, and I am ready to abide by it myself. I could not leave it in the hands of another man to do this work for me. Moreover, when the captain of a ship has this responsibility, he will take care, whenever he is in pilot waters, that all the energies of the officers and the crew of the ship shall be devoted to looking after her safety."

There is a great deal more of similar evidence; but what I have already quoted appears to me to prove that however badly the system may work, so far as it relates to the navigating branch, it is the source of far greater evil, of far greater mischief to the service generally. It is impossible to deny that lieutenants, commanders, and captains are lulled into a state of apparent security in all that relates to the navigation of the ship, owing to the presence on board of this special branch. They naturally

reason that it is not their duty to look after the navigation, as that is in the hands of one man who has it under his peculiar guardianship. Directly a sub-lieutenant passes his examination at college he throws aside his books, being well aware that nearly all the subjects he has qualified in will never be required of him again. He may have gone through a brilliant examination in nautical astronomy, and may have, after an infinity of labour, come out the first or second on the list as an accomplished navigator, and yet from that very moment he is well aware that until the end of his career all incentive to continue his studies is gone. He knows that in future all he will have to do will be to send in a few formal days work to the captain, take a few sights during his watch, but that no practical work or real responsibility will be required of him, and that he will be for ever debarred from following out or calling into use that knowledge which he has taken such pains to acquire—and which he may be peculiarly fitted for. Can it be wondered at that the result is so deplorable that to the great majority of officers nautical astronomy and the theory and practice of navigation soon become forgotten, and that on all these subjects which your naval officers ought to be so accomplished in, the mind becomes a blank? Surely, Sir, it is melancholy to reflect how entirely this process has the effect of alienating the watchful care of all the executive officers of the ship. If anything were wanted to show this more conclusively, perhaps nothing could prove it better than the late catastrophe which occurred to the *Minotaur* and *Lord Clyde*. In the first case, you find the admirals and captains resting with the blindest possible faith on the staff commander's knowledge. It was apparently the general feeling that it was nobody else's business to attend to the navigation, and the result was that one of your finest iron-clads drifted on to a well-known rock in broad daylight. In the second instance—that of the *Lord Clyde*—you had on board a very superior and able navigating officer; but notwithstanding this, and clearly owing to the want of a general knowledge of practical navigation on the part of the other officers, and the absence of all precautions, this ship was allowed to drift helplessly ashore. The captain and officers of the watch seem to

Mr. Hanbury Tracy

have been in a state of helpless apathy as regarded the true position of the ship. We see in this instance, as in many others I could quote, no care taken when the officers relieved watch that the position of the ship was accurately placed on the chart. In some ships you have chart houses on deck supplied, and yet in too many cases instead of the officer of the watch being able to consult the chart, as he is able to do in nearly every foreign navy, no facilities whatever are afforded. I have alluded to these two cases as being the most prominent as pointing out with the most fatal precision the defects of the existing system. Now, Sir, I am well aware that although I have quoted the names of several most distinguished officers who are in favour of a change in the present system, my right hon. Friend at the head of the Admiralty will undoubtedly be able to bring forward an equally long list who are opposed to the alteration. I am free to confess that amongst the senior officers—the admirals and captains—there may be even a majority against me, and I do not think it is to be wondered at that officers who have been brought up under the old system should cling to it; but, Sir, if you were to poll the junior officers, the lieutenants, and commanders, I am confident there would be found an overwhelming preponderance in my favour. Whatever importance the House may attach to these opinions, there is one argument in favour of improving the navigation of our ships which I know cannot be gainsaid and must carry with it immense weight.

I have spoken of two catastrophes—those which happened to the *Minotaur* and *Lord Clyde*—but these are a very small fraction of what have occurred. Thanks to the courtesy of my hon. Friend the Secretary to the Admiralty (Mr. Baxter) I have been permitted to see an epitome of all the Courts Martial and Courts of Inquiry which have been held during the past 11 years, and from this data I have arrived at this astounding result. During the last 11 years—from 1860 to 1871—no less than 106 ships have been stranded. In 41 of these cases no blame was actually attached; but of the remainder 65 the Courts of Inquiry clearly showed that they had got ashore from bad navigation. In 13 of these cases the vessels were never got off. Can it be denied that with these figures

before us great improvements ought to be made in the navigation of our ships? Now, Sir, I have gone carefully into the value of these ships which have been stranded, and although I have taken the accounts considerably under what I should have been perfectly justified in putting them at, yet, after allowing a fair depreciation for the time they had been employed, I think the House will agree that the figures are rather startling. Of the 106 vessels, 26 were small, some of them gunboats, which at £20,000 were worth £520,000; 7 iron-clads, which at £250,000 were worth £1,750,000; and 73 were various vessels, which, at £70,000 each, were worth £5,110,000; so that the value of the vessels stranded was £7,380,000. No blame was attached in the cases of 13 gunboats estimated to be worth £260,000; and 28 other vessels, worth £1,960,000, making a total of £2,220,000, which, deducted from £7,380,000, left a value of £5,160,000, endangered from careless navigation. The approximate value of ships lost from stranding through bad navigation was as follows:—1 line-of-battle ship, £150,000; 3 gunboats, £60,000; and 9 other vessels, £630,000—making the total approximate value £840,000. To this must be added the cost of repairing the 65 vessels that were got off, which might be put down at £250,000—so that the total value lost was £1,090,000. I am quite confident that I have very much understated the value, and yet we have this astounding fact—that in 11 years no less than £5,160,000 worth of property has been run ashore and placed in jeopardy from careless navigation, and £1,090,000 worth actually lost. In the Reports of many of these Courts of Inquiry it is only too evident that if full and entire responsibility had rested on the captain, and he had been the duly qualified and competent navigator of the ship, with a skilful assistant under him, many of these accidents would have been avoided. It is true that a certain dual responsibility rests with the captain, and that of late years, since the loss of the *Cunqueror*, an attempt has been made to draw the reins tighter, and to make the captain more so. The recent Courts Martial have endeavoured to drive home this responsibility more and more. I rejoice to see it, as pointing clearly the direction you must take of making the captain absolutely respon-

sible. What you do is this—you place the navigating officer to do the duty, being well aware that the captain has had no experience in the practical work, and yet, if the ship gets ashore, you make the captain liable. I ask the House, can anything be more absurd? What I urge is to make the captain capable, make him a good navigator and pilot, and then by all means make him responsible, giving him a competent assistant. It is true some captains do even now navigate their own ships, and will not allow this duty to be thrown entirely on the navigating officers; but I fear these instances are rare.

The strong action which my right hon. Friend took after the Court Martial on the *Agincourt* in dismissing those gallant officers who were in command, showed that he thoroughly appreciated the principle that the ship ought to be in charge of the captain absolutely, giving him whatever assistance may be necessary; but that on him, and on him alone, must lie the onus of her safe conduct. The strong reprimand which was then administered most certainly had a very beneficial effect; but, still, every impartial man must allow that these gallant officers were very harshly dealt with, as it was the baneful effect of the system which was really at fault, and they only acted in blind adherence to the old tradition of leaving all to the navigating officer. Sir, the abolition of the navigating branch is no new idea advanced by me: it has for a number of years attracted great attention by the different Boards of Admiralty. I understand that when the right hon. Baronet the Member for Droitwich (Sir John Pakington) was at the head of the Admiralty, in 1859, he determined to try the experiment, and in one noted case he sent for a young commander, and asked him if he would take the vessel without a master. The reply was, that he was not fit to command unless he could also navigate. The ship sailed, and was very well navigated. When the Duke of Somerset came to the Admiralty he was opposed to the change; but, after having been at the head of affairs for some years, and having seen how badly the system worked, he came to a very different conclusion. After long and anxious consultation, he deliberately determined to abolish the navigating class. Lord Clarence Paget, in 1865, when Secretary

to the Admiralty, announced this policy. He said—

“The result to which we have arrived is that, upon the whole, it would be better to let the class die out. We propose to appoint lieutenants who would do the work quite as well as the masters, whom, however, I would not at all disparage, for many a time have I had to thank my stars for having a good master. I believe, however, under the extremely difficult circumstances of the case, brought about, I am bound to say, by the masters themselves, the lieutenants will replace the masters with advantage to the service.”

The Duke of Somerset, assisted by my right hon. Friend the Member for Pontefract (Mr. Childers), who was then at the Admiralty, had the foresight to see in what a dangerous condition we should be placed in during war time if this canker worm were not rooted out; and, cutting aside all the deep-rooted prejudices which clung round the question, he stopped the entries, and thus paved the way for gradual abolition. Unfortunately, the Duke did not remain long enough in office to carry this alteration out, and he was succeeded by the right hon. Baronet the Member for Droitwich (Sir John Pakington), who at once reversed the important step which had been taken, and commenced re-entering navigating cadets, and which was continued by the right hon. Member for Tyrone (Mr. Corry). When my right hon. Friend the Member for Pontefract (Mr. Childers) came into office, notwithstanding the enormous amount of work which he found thrust upon him, he seems to have determined to carry out the Duke of Somerset's policy of gradual abolition, and for this purpose he placed the entry of navigating cadets on exactly the same footing as naval cadets, and I am sure that if he had remained at the Admiralty the class would have been allowed to die out. Some officers, I know, think that you can retain a separate class, making an immense change for the better, by giving special training, special inducements, and, above all, having selected men; but, Sir, I much fear that whilst you may improve the status of this class, whilst you may also lessen the number of disasters by these alterations, the one evil you will not remedy is the very one I attach the greatest importance to—namely, the absence of all inducement on the part of the other officers—your lieutenant, commander, and captain—to attend to this great branch of a seaman's duty, and

the natural consequence is that the captains of your ships will still be deprived of that confidence in their own ability to navigate, which I hope to see absolutely essential as a qualification in a captain. It is absurd to believe that any expedition could be fitted out by private enterprise where the captains were not made the actual navigators and solely responsible. When Captain Sherrard Osborn fitted out his China squadron, what did he do? Why, Sir, he made the captains navigate their own ships. He stated before the Committee—

“When, in 1863, I had to organize a naval force for the Chinese Government, I consulted Captains Burgoyne, Charles Stewart, Nicholas, Noel Osborn, Captain Allen Young and others, and I deliberately made each of them responsible for the navigation of their ships, and their logs and work books were admirably kept. The ships were most successfully piloted, and many of those naval officers have expressed subsequently their obligation to me for having compelled them to acquire a knowledge of a branch of their profession which they had hitherto much neglected.”

He was then asked—

“Have you in the course of your service found that a want on the part of executive officers of a practical acquaintance with navigation, has resulted disadvantageously for ships on expeditions?—Yes; I was first struck with it in the Arctic service, where I felt my own shortcomings, and I remarked to what a lamentable extent it existed, even among a picked body of officers that were sent out on two expeditions to those seas.”

The scheme which I would propose is this—1. Gradually to abolish the navigating class, making ample compensation in doing so. 2. Make all your captains, as soon as qualified, the actual navigators of their ships, absolutely responsible, giving them a lieutenant to assist them. In carrying this out I would venture to suggest that—1. Captains should be given (say) £100 a-year extra pay for the additional work. 2. Lieutenants list increased by 150. 3. An extra lieutenant be appointed in all the large ships. 4. All lieutenants, after having served two years as officers of the watch, should be made to pass an examination similar in all respects to that which the navigating lieutenants now go through, in pilotage and practical navigation, and according to the examination passed so they should have preference in being selected to assist the captain, giving a small increase of pay. 5. Commanders, during the first two years after their promotion, should be made to go through a course of pilotage

Mr. Hanbury Tracy

and practical navigation in the Channel in two vessels to be specially appointed for that duty; and, in order to give proper inducement to officers to qualify, I would give to those who came up to a certain standard full pay, and sea time, and so on in proportion to their merit. 6. No lieutenant should be allowed to hold the duty of assistant navigating officer to the captain longer than five years. 7. In every ship, without exception, there should always be a survey in progress, so that all officers might have the opportunity of acquiring an intimate knowledge of surveying. There may be many other plans which might be suggested, and I offer these with considerable diffidence; but, at the same time, after considering the matter very carefully, I believe this would answer the purpose and give complete satisfaction. As to expense, the present system costs £125,000 a-year, while the plan I suggest, including extra pay to captains, would cost only about £90,000.

Now, Sir, what are the main objections which are urged to this plan? I am well aware that it will be stated that it would be impossible to give the captain the additional burden. My strong belief is, that with a competent assistant, it would really give a captain less anxiety, and therefore less work, as he would have thorough confidence in himself, whereas now he seldom feels it. If captains have too much correspondence, by all means curtail it. If the captain of every other foreign navy in the world is able to do this work, surely the argument falls to the ground. Then, secondly, I know I shall be told that it is quite true that foreign navies have no such separate grades. But their vessels are not navigated with the same boldness as ours, and French officers are continually praising our system. Sir, I should be very sorry, indeed, if any change were effected which would militate against our ships being navigated with the utmost boldness consistent with safety. Undoubtedly every consideration must be subsidiary to this one point; and it is only because I believe that ships would be navigated with far greater boldness, and with far greater security, if the captains had practical acquaintance with these duties and felt themselves thoroughly responsible, that I thought it my duty to bring this Motion forward. As regards the opinion of foreign officers, I am

quite certain that amongst thoughtful and working officers a feeling of the opposite nature is prevalent. Admiral Sullivan gave strong testimony on this point. He was asked—

“Have you been informed by French officers that they lament that they have not got the rank of master, as we have?—Never. I believe that I have served more with French officers and with French ships than any man in our service. I am the only officer in our service, I believe, who has lived in them, has piloted them, and been in charge of them. I had upon one occasion nine or ten months daily experience with them, and doing piloting and surveying work for them in consequence of their not having any surveying officers, just the same as I have done for our own squadron or fleet, and in no case do I ever recollect them lamenting the want of masters; but they have frequently expressed to me their regret that they had not a class of surveying officers as we had; therefore, they have felt the want of that very class that I have alluded to; but I never heard them say that they were in want of officers for the ordinary pilotage or navigation of their fleet.”

Then Sir Spencer Robinson was asked—

“Have you had any opportunities of hearing the opinion of superior French officers with regard to their navigating system as compared with ours?—Yes, I have spoken to many French naval officers, who thought it a very excellent thing to have a master, and on talking to them about it, I found that the general view of the greater part of them was a desire to discharge themselves from that labour and responsibility. That motive, of course, ought not to influence any officer, and therefore I do not consider that opinion of any great value.”

Surely, Sir, however, there is one satisfactory answer which cannot be got over—namely, that if our system was really considered so very satisfactory it would very soon be introduced into not only the French but every other foreign navy. The very reverse is, however, the case; and in the Russian Navy, where a similar system is now in force, I understand that it is intended to abolish it. In the German Navy, whilst copying every other institution, they have most carefully avoided this. Then, Sir, I shall probably be told that if this navigating class is abolished you will deprive many naval officers of the boon they now have of getting their sons into the Navy which they could not afford to do as naval cadets; but surely, Sir, this may be an argument in favour of giving scholarships or of increasing the pay of cadets, but certainly is no reason in favour of retaining a bad system of navigating your ships. I may be told that five years is too short a time for lieutenants to act as assistant navigators;

but it must be remembered my fundamental principle is that they shall only be assistants to the captains, who are themselves to be the thoroughly experienced navigators and pilots. I will not detain the House any longer, Sir; but before I sit down I am anxious to say that I hope my hon. and gallant Friends who sit in this House, and who, I understand, are nearly all opposed to my Motion, will not think it presumption on my part to have raised this question, having only been a lieutenant in the Navy when I left the service. I assure them I have done so in all humility, being well aware of the great authorities which are opposed to me; but I have felt the late disasters to be so serious, and having a very strong opinion on the subject, I did not think I should be justified in not expressing it.

I will only further add that on no former occasion have you ever had such an opportunity to make this alteration. You have a large number of sub-lieutenants ready to increase your lieutenant list. You have a great scheme of naval education which you are about to set on foot—which you have the evidence of all your naval professors cannot be complete until this change is effected. The late disasters have drawn the eyes of all foreign navies upon us, and such navigation, if repeated, cannot fail to become a scandal. The whole service is looking forward to the change—sooner or later it must come. Clinging to a system of more than two centuries old, and not in harmony with the age, will not avail us in time of need. I entreat my right hon. Friend to make the alteration soon, before he has a fresh roll of disasters to mar still further the prestige of the British Navy. I beg to move the Resolution of which I have given Notice.

MR. T. BRASSEY: Sir, I rise for the purpose of seconding the Motion of my hon. Friend, with an intimate conviction that the change which he has advocated will prove beneficial to our naval service. It would, indeed, be presumptuous in a civilian to entertain a view on a subject so strictly professional, which was not based on the clearly-expressed opinions of naval officers of high reputation. That this essential foundation is not wanting in the present instance, will be clearly demonstrated by reference to the most recent Parliamentary literature on the subject. The

Mr. Hanbury Tracy

evidence taken by the Committee on the Education of Naval Officers comprised much weighty testimony in favour of the abolition of a special class of officers for navigating duties. The change was advocated by Admiral Cooper Key, as an inducement to officers to study; and the Committee in their Report gave it as their opinion that volunteers could be obtained from the executive branch, and that, in a purely educational point of view, that mode of providing for the performance of navigating duties would exert a beneficial influence on the general knowledge of navigation and pilotage among the officers. To show how valuable the abolition of the special class of navigating officers may be as an incentive to the general study of navigation and pilotage in the Navy, I will quote from the evidence of the naval instructors—gentlemen who possess unique opportunities of judging whether we may safely rely on selected officers of the executive branch for the effective performance of navigating duties in the Navy. Professor Main has well explained the distinction between encouragement to study by the hope of reward, and the attempt to enforce a high standard in compulsory examinations. In his Memorandum, presented to the Committee on Naval Education, he says—

“ All compulsory education should end with the examination for sub-lieutenant. It should be the province of the Admiralty from this point to stimulate talent and zeal in special branches, by creating special classes of officers. This has been already most successfully done in the case of the gunnery lieutenants. If it be thought desirable to do away with the navigating officers, as a distinct class; it will be attended with the greatest benefit to naval education generally. The increase of pay for performing these duties should be such as to afford a sufficient inducement to volunteer for the appointment; and it should be always looked on as a stepping-stone to promotion, and as a claim for employment. I have no doubt this would give an opening for many young officers, who have a natural liking for astronomical work, and at present have no useful way of employing themselves in it.”

Another naval instructor, Mr. Buckley, of the *Duke of Wellington*, and formerly instructor of navigating cadets in the *St. George*, gave the following answers to the following questions:—“ Did any among the navigating cadets passed out of the *St. George* give promise of being first-rate navigating officers?” “ Certainly,” he replied. “ Many?” was

the next question. The answer was—"About a quarter of the number." He was then asked—"Do you think that the other three quarters would be either indifferent or bad navigating officers?" He replied—"I think so." He was then asked—"Whether he thought that, if the navigating officers were chosen from the lieutenants generally, and if they qualified themselves specially, that you would get upon the whole a better class than those you were likely to have under the present system?" His reply was—"Certainly you would." Captain Powell, who had formerly commanded the *Britannia*, abundantly confirmed the opinion of the instructors. He recommended that the navigating duties should be performed by lieutenants, and he predicted that by this means you would often have officers in command of singular ability in manœuvring and navigating ships. These opinions ought to satisfy the most doubtful minds as to the possibility of obtaining competent navigating officers from the executive branch. If that be so, the other arguments in favour of the abolition of a special class of navigating officers deserve the most favourable consideration. The tendency of our present system must inevitably be to divert the attention of the executive officers of the Navy from the study of navigation and pilotage. If this branch of duty were no longer reserved for a special class, we should not, says Admiral Sullivan, see such a disgraceful occurrence as a commander of a sloop at Spithead—otherwise a good officer and sailor—refusing to obey a signal to proceed to the assistance of a ship on shore outside the Isle of Wight, and twice repeating the signal of inability to weigh, because the master was on shore. Again, to quote from a pamphlet, recently published by a staff commander in the Navy—

"A certain flag-ship was recently required to proceed from Portland to Portsmouth; but she had no master. The Admiralty telegraphed that the navigating officer of the ship remaining behind was to be sent on board. With a captain, a commander, and six lieutenants, does not this appear lamentable? Can the system be correct, if the absence of one man reduces a ship to a comparative state of inefficiency?"

The present system seems, in the highest degree, anomalous. Admirals and captains are held responsible for disaster, if any should occur, from improper navigation, and are liable to suffer the most

severe penalties which can be imposed on officers in the Navy; yet, from the time when they pass their examination as lieutenants, until they actually hold a command, they have but little, if any, opportunity of acquiring a practical knowledge of an art, proficiency in which can only be attained by practical training. It is quite impossible to understand how an officer can effectually conduct a naval operation without being well acquainted with navigation and pilotage. Lord Nelson, in his interesting autobiography, written on board his flagship, in Port Mahon, in 1779, twice alludes to the opportunities which he had enjoyed, and of which he had eagerly availed himself, to become acquainted with the art of pilotage, as having been of much service to him in his subsequent career. In the first passage, speaking of the year 1772, when he was only 14 years of age, he says that, when on board the *Triumph*, at Chatham—

"As his ambition was to be a seaman, it was always held out as a reward that, if he attended well to his navigation, he should go in the cutter and decked longboat which was attached to the commanding officer's ship at Chatham."

Thus by degrees he became a good pilot for vessels of that description from Chatham to the Tower of London, down the Swin and the North Foreland, and confident of himself amongst rocks and shoals, which had many times since been of great comfort to him. Again, somewhat later in his career, Lord Nelson says that when he was second lieutenant of the *Lowestoffe* frigate of 32 guns he went to Jamaica.

"But even a frigate," he says, "was not sufficiently active for my mind, and I got into a schooner, tender to the *Lowestoffe*. In this vessel I made myself a complete pilot for all the passages through the Keys Islands, situated on the north side of Hispaniola."

These passages from the autobiography of Lord Nelson appear to me to suggest the importance to the naval profession not merely of a knowledge of navigation and pilotage generally, but especially of an acquaintance with our own coasts, the navigation of which is in some parts exceptionally difficult. The Channel Fleet, so called, is too little seen in the Channel, and rarely appears on the East coast, in the St. George's Channel, or in Scotland. But even if the Channel Fleet were to remain more constantly at home, it would not be possible for our young officers to study the intricate

navigation of the estuaries of the Thames, the Mersey, or the Humber, in vessels of the prodigious dimensions of our modern iron-clads. For this purpose smaller vessels should be commissioned, more capable of being handled under sail, and able from their moderate draught to enter many ports which our large iron-clads cannot visit. I believe that the reserves of seamen in our home ports are at the present time sufficiently large to provide crews for the vessels commissioned for the relief of ships on foreign stations, and also to man, at least in the summer season, a few small corvettes and sloops, which would afford to the officers appointed to serve in them opportunities of becoming acquainted with our home waters. We have not a single vessel in commission on the Home Station which can be regarded as an available cruising vessel for the instruction of officers in the entire pilotage of the English Coast; and when we take into view the increasing number and enormously increasing value of Her Majesty's ships, designed especially for coast defence, the necessity of giving to naval officers more opportunity of becoming familiar with our home waters will be generally recognized. I will not enlarge on one of the objections to the special class of officers for navigating duties—I mean the social difficulty. In spite of many changes and concessions of higher nominal rank to masters, this difficulty still remains and will ever continue, so long as they are retained as a distinct class in the service. A stronger sentiment of jealousy of all class privileges prevails at the present time than was evinced 60 years ago. The pathetic appeals of Sir Charles Napier are not yet forgotten in this House, in which he described the discouragement of the neglected and unknown men in the subordinate ranks of the Navy, with no friends at court. If such disappointment were felt by one class of officers, is it not fair to presume that it is as strongly felt by the other? In conclusion, I may add that while the majority of the senior officers of the Navy are opposed to the abolition of the master class, the majority of the younger officers of the Navy are, so far as I have been able to ascertain, in favour of the change. I am therefore confident that sooner or later an alteration of system, so desirable for the improvement of the service,

Mr. T. Brassey

will be carried out. Meanwhile, I trust that the First Lord of the Admiralty may be able to hold out hopes of an early movement in this direction. The recommendations of the Committee of 1862 in favour of a trial of lieutenants of the executive line was, there is reason to believe, cordially welcomed by the then Board of Admiralty; and in moving the Navy Estimates of 1866, Lord Clarence Paget stated that, while ever desirous of improving the condition of the masters, the conclusion at which they had arrived was that it would be better to let the class die out. "We propose," he said, "to appoint lieutenants, who would do the work quite as well as the masters." The Committee of 1862 recommended that, as an experiment, 10 lieutenants should be appointed in 10 of the smaller vessels to take charge of the navigation. Let the Admiralty adopt this suggestion. Let an additional lieutenant be appointed, instead of a master, to the first 10 corvettes, commanded by officers who will gladly accept them as substitutes for the navigating officers, and let the merits of the new system be tested by results. I am convinced that the result will be favourable; but as many officers, whose opinions deserve the most attentive consideration, object to a change, in deference to them it would be prudent to wait until we have acquired experience of the new system before we do away with the old. Whatever the issue of the controversy may be, the House will appreciate the importance of securing the highest attainable perfection in the navigation of the costly vessels of our modern Navy, and will not regard as time wasted the endeavour to improve a system which has acknowledged defects.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, the time has arrived when the maintenance of a separate and distinct branch of officers for navigating duties is no longer desirable in the interests of the Naval Service,"—(*Mr. Hanbury-Tracy*.)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

SIR JOHN HAY said, he would remind the House that this was very much a naval question. It had been brought

under the notice of the House by his hon. Friend the Member for the Montgomery Burghs, a naval officer of experience, and his remarks deserved some reply from those who, like himself, had had experience in the same profession. There was, however, one part of his hon. Friend's speech to which he must take exception. He regretted that his hon. Friend should have said that the present condition of the navigation in Her Majesty's Navy was a scandal to the profession. It was in his judgment hardly a right expression to use in that House, for he believed our ships and fleets were navigated as well as those of any nation in the world.

MR. HANBURY TRACY explained that he was only referring to the cases of the *Lord Clyde* and the *Agincourt*.

SIR JOHN HAY was glad to hear that the expression was not intended to be applied to the state of the Navy generally. Allusion had been made to the Committee of 1862 by another Committee, which investigated the subject in 1866, and expressed a decided opinion that to retain a separate class of navigating officers would be of the greatest advantage to the Navy. It was in consequence of the Report of that Committee that his hon. Friend the Member for Droitwich (Sir John Pakington) reversed the arrangements which would have eventually extinguished that class of officers. That course was taken with the concurrence of all the naval Members of the Board, and was entirely approved by the right hon. Gentleman's successor (Mr. Corry). The question was, how our ships of war could be best navigated, and it was quite new to him to learn that a captain was not completely responsible for the safety and navigation of his ship. It was new to him that the captain was not wholly responsible; as for 2 years out of the 12 that he had a command, he had no master on board, although at that time, according to the hon. Member, he ought to have known nothing, for it was shortly after his promotion from a lieutenancy to a command. It was also new to him that lieutenants had nothing to do with navigation; did not look at the charts; and did not make themselves acquainted with the position of ships, and he thought it would be little credit to a captain if he did not take the lieutenants into his confidence and let them know the position of the ship and everything affect-

ing her safety and navigation. It was however one thing to superintend navigation and another thing to attend personally to all the minute details involved in it, for the safe conduct of a large ship required constant attention on the part of an experienced and practical man, giving his undivided care to compass, chronometer, observation, and calculation; and while it was best that these duties should be entrusted to a practical man of unbroken experience, their due discharge was incompatible with the multifarious duties and responsibilities which devolved upon the captain, and which required experience and training of a different order. The masters, moreover, had special pilot-knowledge of our own harbours and coasts, which could, therefore, be navigated without taking pilots on board—that, indeed, being the duty for which they were originally constituted. It was of the greatest advantage, then, to have a separate and distinct class of men; but it was a question whether it might not be advisable to do something to increase their position and prospects, and he trusted the Admiralty would not make any change in the direction of abolishing the special class of navigating officers, who were of the greatest possible value to the Navy.

ADMIRAL ERSKINE said, that if the deplorable picture which the hon. and gallant Officer who moved the Resolution had drawn accurately described the general condition of the officers of the Navy, a great change must have taken place in the 10 years that he had been on shore. He confessed, however, he was rather disposed to agree in the opinion expressed by the hon. Member for Hastings (Mr. T. Brassey). But the question was, whether there did not exist in the Navy sets of duties not requiring any great scientific knowledge, but that precision and punctuality that could only be acquired by special attention to the matters immediately connected with those duties—in short, to which the principle of division of labour should be applied; and that in the case of ships of the Navy—which was totally different from that of passenger ships, merchant vessels, and yachts, were navigation from port to port was all that was required—the navigation required an amount of accuracy which was only to be acquired by special study of its

peculiarities. There was necessarily great subdivision of labour on board a man-of-war, and navigation and pilotage were as important as any other special responsibility, and though the captain was required to have a general knowledge of everything connected with his ship, there was an engineer to attend to the engines, a carpenter to look to the hull and masts, a boatswain, and a sail-maker; and, for a similar reason, there was great advantage in having specially trained officers to attend to the navigation, for it was impossible that the officer who was called upon to discharge general duties could be as exact in his attention to a special duty as those who devoted their whole time and attention to it. As an illustration of what experience would do in navigation, he would point to the black pilots of Bermuda—the best pilots in the world, yet many of those could not read nor write—whose skill could not be increased by any amount of science. Again, in the Crimean War, we sent a number of masters up to the Baltic to make themselves acquainted with the Cattegat, the Belts, and other passages, and they acquired such a familiarity with them that our Fleet went into the Baltic without a Baltic pilot on board; and not only that, but Sir Richard Dundas performed the feat—which Danish pilots thought impossible—of starting from Kiel with the whole Fleet one morning, and getting out of the Cattegat by the next morning. Compare that with what was done by the French in the late war. Their fleets lay at Brest and Cherbourg for several days, waiting for Baltic pilots, of whom only one old man could be obtained; an able commander was paralyzed for want of acquaintance with the coast; and the fleets returned without having done anything worthy of their fame. Twelve years before that occurrence he had had a conversation with a distinguished officer of the French Navy, commanding one of the squadrons on the occasion referred to, who attributed our great superiority to our having a special class of navigating officers—a class which he regretted the prejudice of French officers excluded from the French Navy. There was one point on which his hon. Friend had shown some confusion of ideas. He appeared to confound navigation and seamanship—two very different subjects, as understood in

Admiral Erskine

the Navy. With regard to that point, he would remind his hon. Friend that he could not have held his lieutenant's commission without the possession of two different certificates, given at different times and different places by two different classes of examiners—one as to his proficiency in navigation, and the other as to his proficiency in seamanship. His hon. Friend wanted to persuade them that the want of a scientific knowledge of navigation on the part of executive officers had been the cause of many of the mishaps which had lately occurred. But that was not so. In the case of the *Lord Clyde*, the mishap was attributable not to the want of a knowledge of scientific navigation, but of practical seamanship. The officer of the middle watch got permission of the captain to steam; but the young officer who took charge of the deck in the morning watch was so ignorant of seamanship—if the evidence on the Court Martial was to be trusted—that he proceeded to wash his decks without ascertaining his position and without taking the trouble of sending to the navigating commander, if he mistrusted his own eyes. Practical seamanship was of all things the first to be desired in an officer having charge of a ship, and it would certainly not add to his efficiency to impose on him also the necessity of a constant practice in details, of which great accuracy was the principal recommendation. The science with which his hon. Friend would endue young officers reminded him of the story in a well-known fiction—the tailor in Laputa who made Gulliver's clothes by the quadrant, but they fitted very badly, because he made a small error in a single figure—and the miscalculation of one figure might lose a ship. He hoped, therefore, his right hon. Friend the First Lord of the Admiralty would pause before he adopted this recommendation.

Mr. CORRY said, he entirely concurred in the policy of keeping the navigating class separate from the executive class of officers, and that appeared to be the opinion of almost all the most experienced naval officers whom he had consulted on the subject. At the same time, he was willing to admit there were others who were entitled to respect, who entertained a strong opinion to the contrary; and if he were to classify the opinions that had been expressed upon

the subject, he should do so much in the same way that it had been done by the hon. Member for Hastings (Mr. T. Brassey) — namely, that young officers were in favour of the amalgamation of the two classes, whereas the older officers were for keeping them separate. There was, however, a third class—the navigating officers themselves—whose opinions were naturally influenced by personal considerations; but, certainly, all the older officers who had had the responsibility of command, and who knew what it was to be answerable for the safety of a ship and the lives of all on board, were decidedly in favour of maintaining the navigating officers as a separate class. One of the main arguments in favour of amalgamating the two classes was, that it would improve the knowledge of the lieutenants of the Navy in seamanship and navigation. Now, if a lieutenant could be selected and made a navigating officer at once, and return to his executive duties after a short period of service, that argument would be entitled to weight; but such was not really the case, as long and special training was necessary to the proper performance of the duties of a navigating officer on board ship. That view was confirmed by the Committee which sat in 1862 to inquire into the expediency of abolishing the rank of master, consisting of four Members; and, with only one dissentient, they reported that to abolish a useful class with the view of improving another would be an experiment which, if unsuccessful, would materially injure Her Majesty's naval service, and was a step which they could not recommend. He had paid much attention to the evidence, which entirely convinced him of the soundness of this opinion. Mr. Allen, himself a master, said there should be a navigating class; and if you have a navigating class, you must keep them in that class, for it takes some eight or ten years before a man acquires that faculty of knowing what to do with a ship under all circumstances, near land, by night and day, in thick weather, and so on. Captain Mends was asked—"Do you think that it is for the good of the service that the classes should be merged?" He said—

"I do not think so; but I think it is important to hold to the office. I do not think you can place it in what I may call the migratory class—that is to say, the executive lieutenants who are passing on continually to the higher grades."

Captain Forbes, in answer to the question—

"Supposing the masters to be done away with as a class, do you think it would answer to give the navigating duties to lieutenants or other officers in the executive branch?"—said, "No; I do not think it would, and for this reason—that for a master of a line-of-battle ship you require a person of great experience and a thorough knowledge of his profession, which I do not think could be gained at the age at which a lieutenant still holds that rank. If a lieutenant who had acquired sufficient knowledge to become a good master of a line-of-battle ship was not promoted above that rank, he would be unduly kept back in his profession. Of the average lieutenants of average service that I have met with, very few would be equal to the duties of a master of a line-of-battle ship."

Captain Luard, the present Superintendent of Sheerness, and one of the best officers in the Navy, expressed the strongest opinion in the same sense against the amalgamation of the two classes. Admiral Sir Lewis Jones said—

"I should be very sorry to see the line of masters done away with. I think it imperative that the officer who has the charge of keeping the ship's reckoning should be retained in that office, not subject to frequent change. It is requisite that he should devote himself specially to that duty. The aptitude for piloting is not easily acquired; it requires steady nerve and confidence; hesitation is fatal to the successful performance of it. To acquire that habit, close application is requisite, and steady perseverance, and study of the tides, the appearance of the land through a haze, and of the special capabilities of the ship he may be serving in. I think for these reasons that it would be very inconvenient to do away with the office of master."

Admiral Richards, Admiral George Elliott, Sir Thomas Cochrane, Sir George Seymour, Sir William Martin, Sir Michael Seymour, Sir Rodney Mundy, Sir Alexander Milne, and Sir Sydney Dacres, with many other first-rate officers, all gave similar opinions. There were, moreover, several officers before the Committee, who were in favour of amalgamation, yet the evidence they gave appeared to him to be strongly opposed to the opinion they expressed. Captain Washington, the only Member of the Committee in favour of amalgamation, fully admitted the necessity of special training, though he denied *in toto* the necessity of a special class. But it appeared to him (Mr. Corry) that the one involved the necessity of the other, exactly as in the Army the Engineers and Artillery required special training, were distinct from the Line. He would here notice in passing, that the hon. Gentleman had told the House that

among the lost vessels he referred to there were 26 gunboats; but it should be borne in mind that gunboats were not navigated by masters, but generally by the lieutenants in command. For his part, he could not see how to separate a special training from a special class in regard to navigating officers. It was stated that the education of the young navigating officers, as a class, was not sufficient, and that they were kept between decks, where they had no opportunity of obtaining experience in navigating duties. That occurred more in former days than it did now. The Queen's Instructions required that these young officers should be on deck on all occasions of going into and coming out of harbour; and it was the duty of the master to see they were educated in their special line. When he was at the Admiralty, a vessel in the Channel was specially appropriated to the training of young navigating officers in pilotage. This subject was well worthy of the attention of the First Lord of the Admiralty, and he hoped that right hon. Gentleman would consider whether further instructions ought to be given to navigating officers in the special and important duties they were called upon to discharge. As to the social part of the question, it was no doubt painful to think that many most meritorious officers were debarred from rising to the top of their profession, except under special circumstances; but, on the other hand, there were officers and others, with large families to support, who could not, for want of means, put their sons into the executive line where it cost at least £80 a-year to maintain a lad as midshipman, but were glad of the opportunity afforded to them of introducing their sons into the naval service in what was called "a lower grade." At all events, at the beginning of their career, these sons of poor officers had advantages which were not enjoyed by young gentlemen in the executive line. He was surprised to hear what had been said about the superiority of the French system. He had always understood from officers who had served with the French in the Baltic, that although the French ships were, in general, as well handled as the English, they failed to present as favourable a comparison directly they got into pilotage waters where the navigation was difficult and intricate; and this was

Mr. Corry

entirely owing to the want of a class of officers specially trained to navigating duties. The evidence in favour of maintaining the navigating officers strongly preponderated, and he was glad to understand that the Resolution of the Committee of 1862 was not to be reversed by the present Board of Admiralty.

CAPTAIN EGERTON said, he agreed with the hon. Member who brought this subject forward, in thinking that many changes were necessary in the class of navigating officers, and the advantages they enjoyed in the junior ranks did not compensate them for the disadvantages they experienced as they grew older in the service. He could not, however, support the present Motion, because he thought that that House was a bad tribunal to direct the Admiralty in a matter of detail. He did not agree with the hon. Member in the opinion that there should not be a separate class for navigating duty, nor did he entirely agree with him as to the peculiar advantage supposed to belong to the French Navy from the absence of masters. He recollected that on one occasion, when he was on the coast of North America, the captain of a French ship going to the same destination declared that he envied him for commanding a ship with a master; and though the French captain had a pilot, he said that a pilot was nothing compared with an officer in whom he would have confidence from knowing him personally. He should not be able to support the Motion if it should be pressed to a division.

SIR JAMES ELPHINSTONE, in describing the course of naval training in the service in which he was brought up, said, he had first to pass through an examination of Channel pilotage, then in the mathematical stowage, and in the management of a ship below her upper deck; and the last examination for a navigation officership consisted in the working of various astronomical problems for obtaining latitude, longitude, &c., and in a further examination in Channel pilotage, and in the whole pilotage of every port in India and China. Since then, he had often discussed this question of masters with his brother officers, and their opinion was, that as long as there was a distinct service, possessing a certain number of ships which performed a certain programme of ser-

vice, such an arrangement as that was faultless, but in a service like the Navy the business could not possibly be carried on without a class of officers specially educated for the purpose. He wished, therefore, as a seaman outside the Navy, to say a few words in vindication of the navigation and seamanship of the Navy from the aspersions which had been thrown upon it by the hon. Gentleman. We had in all about 300 ships in commission, including gunboats, and in the course of 11 years, according to the statement of the hon. Gentleman, 106 ships stranded or got into such difficulties as to induce the officers commanding at the stations to hold inquiries. That was less than 10 ships a-year, or 3 per cent. Now, he would ask any hon. Gentleman who knew anything about the insurance of shipping, whether that did not show an almost infinitesimal fraction of the number of ships employed? Why, any commercial concern that had 300 ships, and only 3 per cent of accidents in the year and one total loss, would consider itself very well off. Indeed, the thanks of the public were due to the hon. Gentleman who had brought the subject before the House, for having shown how admirable the navigation of the Navy was, instead of being "scandalous," as the hon. Gentleman would have the House believe. The disasters had been attributed by some to a want of navigation, by others to a want of seamanship. With regard, however, to one or two of those accidents which had lately occupied so much of the public attention, he would like to say a few words. The accident to the *Agincourt* had arisen from a slight error in pilotage. The ships were hardly stemming the tide—the two lines were gradually converging to the shore—there was a haze from the land—and the officer who was conducting the lee line made a mistake, which any man of his age and service might have fallen into, in calculating his distance from the land. An error in pilotage got that ship aground; but a most remarkable exercise of seamanship, to which we might turn with pride, got her off, for it should be remembered that there was a mass of iron of from 5,000 to 6,000 tons upon the rock, and that all their exertions could only lighten her to about 11 or 12 inches of her enormous draught. In fact, he had conversed with

officers outside the Navy of the same class and grade as himself, and they were all of opinion that that was the most creditable performance that had occurred in the Navy for many years; and he must say, that instead of the degradation of the officers, he would have been inclined to promote them. Then, as to the *Lord Clyde*, that vessel had been sent to perform a certain service at the island of Pantalaria. The captain was fettered probably by the orders with respect to the consumption of coal, and that probably might have had some share in the disaster which ensued; but if he had steamed his ship 20 miles off land on a moderate night, he would have been called to account, and no one could say what would have happened. There was another case to which the hon. Gentleman did not advert, but as to which we might congratulate ourselves as furnishing one of the brightest examples of British seamanship—he alluded to the *Megara*. Here there was no want of pilotage, when Captain Thrupp ran his ship that stormy morning on St. Paul's, when he could keep her no longer afloat. When we consider the coolness, the resource, and the indomitable courage of Captain Thrupp, and the sharp way in which he repressed the slight germ of insubordination which manifested itself, as well as the manner in which he found his men, provided for their every want, and did not leave a single wooden cross over a grave in the island, we must be filled with admiration. Admiral Sullivan had been alluded to more than once in the debate, and his plan—which he (Sir James Elphinstone) had often talked over with the gallant officer—was well deserving of the attention of the Admiralty and the right hon. Gentleman. The Admiral's plan was to have regular survey squadrons in which officers intended for masters should be educated. For instance, he would have one ship in the Baltic, and the officers on board should be entirely of that class. When on examination found proficient in the pilotage of the Baltic, they should be sent to the West Indies until they were proved to be perfect in the pilotage of those seas; then to the East Indies, Australia, and so on. Then, after a certain number of years, those officers should be drafted into Her Majesty's ships. In conclusion, he must say that

the term scandalous might be applied with more propriety to the accommodation for the Survey department at the Admiralty than to any officers or men in the Navy. If the right hon. Gentleman would turn his attention to that subject, and to the formation of a squadron to carry out surveys which were deficient in many parts of the world, it would be of greater advantage than the consideration of a question of this kind, with regard to which officers of high rank and great experience were agreed.

MR. GOSCHEN said, he must regret that his hon. Friend (Mr. Hanbury Tracy) had mainly founded his Motion on what he termed the breakdown of the present system. The onus of proving that breakdown, however, lay upon his hon. Friend, and he did not think he had established his case. He was glad to hear that his hon. Friend limited the application of the word "scandalous" to two or three isolated instances; for at first, he had applied it to the general state of the navigation of Her Majesty's ships. His hon. Friend had placed before the country a fearful catalogue of possible disasters, which, however, had not occurred; but he would certainly have given a very erroneous impression, if he had conveyed to the public the idea that the ships which in the course of 10 years had touched the ground were necessarily in peril. Some disasters had undoubtedly occurred; but it was a dangerous argument to infer from any particular accident that the whole system was imperfect, and he was sure no one would be inclined to think that the navigating officers of the Navy were not a class of the greatest possible value, who would do honour to any country which they served. Doubtless, many officers held that the system might be improved, and many men were dissatisfied with the position and status of navigating officers; but in all the voluminous literature he had read upon this subject, he had not found a single pamphlet, speech, or memorandum that placed the capacity of the navigating officers so low as his hon. Friend had done in his speech that evening. Therefore, he trusted his hon. Friend would allow him to enter a protest against his view, and to say that, although there was much in the present system capable of improvement, he did not think that his hon. Friend should base his case upon the collisions or ac-

cidents in navigation which had occurred. He thought his hon. Friend had included in his list of stranded ships many accidents due to collisions and other causes which were sometimes beyond the control of the navigating officers. [Mr. HANBURY TRACY said, he had carefully omitted the collisions.] In that case, he (Mr. Goschen) must say that his hon. Friend's figures were not correct, because there were only 102 vessels with regard to which court-martials had been held, including those stranded and lost, and of these the *Bombay* was burnt and the *Captain* lost. But he objected to totals of that kind, extending over a number of years, being put before the public, to produce the impression of the very great probability of disaster, instead of the disasters themselves being specified. The Motion might have been based on different grounds. During the last 10 years there had been considerable agitation with reference to the position of navigating officers in the Navy, and many attempts, some of which might have been successful had it not been for the inherent difficulties connected with the subject, had been made to deal with the question. One of the difficulties consisted in this—that while the argument was exceedingly strong for keeping a separate class of navigating officers, there was an argument equally strong in favour of giving every opportunity for increasing the experience of the executive officers in navigation. It by no means followed, however, that because there was a separate class of navigating officers, the executive officers were not to be expected to be able to navigate their ships, for there was a great difference between the question of navigation and that of pilotage. There were numerous cases in which ships had been successfully navigated by the executive officers, and he doubted whether there was a ship in the Navy which had not on board a number of officers able to undertake the navigation. The examination of navigating and executive officers, too, was the same, and the latter had to pass an examination in navigation which proved them to be of a certain capacity for navigating ships. His hon. Friend admitted that young officers were taught to navigate their ships, but alleged that as they became older they lost the knowledge so acquired. But if he (Mr. Goschen) was not mistaken there were many captains

Sir James Elphinstone

who took a great part in navigating their ships, and would be able to do so without the help of a navigating officer. He also wished it to be distinctly understood that there was no doubt whatever as to the responsibility of the captain for the navigation of his ship, although he might have a navigating officer to assist him, and, in fact, no Board of Admiralty had acted upon a different view. In the case of the *Conqueror*, which had been mentioned, the Admiralty declared that it was the duty of the captain to take every precaution for the safety of his ship, and that in order to discharge his responsibility he should use every means in his power to ascertain the ship's position, the prevailing currents, and the danger to which she might be exposed. He did not think any naval officer of the present day would dispute his responsibility in that respect. Indeed, the first Article on Pilotage in the "Queen's Regulations," was that the captain was responsible for the safe conducting of his ship. Therefore, it was not true to say that these duties were relegated entirely to a separate class. The question remaining was, whether it would be better to attach to the captain, for assistance in navigation, any officer taken generally from the executive branch, or an officer specially trained to perform such duties. Three views prevailed upon this subject. One was in favour of preserving the present arrangement, and of retaining a separate class, educated somewhat differently from the executive officers. The second view was, that we should retain the name and position of navigating officers, but that they should be drawn from the same class as executive officers, and receive a special and separate training. The third view was, as was held by his hon. Friend, that there ought to be no special class at all, and that officers ought to be told off from the executive ranks for the special duty for a brief term of years. The question was, no doubt, very important, and had occupied the attention of the Admiralty. He had met with a small minority of officers who were in favour of changing the present system, and of substituting another class of equal rank and status with the separate officers. It must be owned that the questions relating to the education of the navigating officers, their pay, and promotion were all questions which could not be said to be

settled at the present time, and in which possibly great reforms might be made. While that was so—and judging mainly from the evidence of naval officers, he was not prepared to lay the duty of navigating ships on officers who would only have a very limited experience of their duties from the number of years they might be engaged upon them; and he must still adhere to the practice that ships of such immense value, as those to which his hon. Friend had pointed, should be entrusted to men who had been trained to the special duties in all parts of the world. The practice was this—it was not in the first five or seven years of their duties, that the navigating officers were superior to the executive officers. The point where the navigating officers really began to be most useful and most trustworthy was when they had been for a large number of years engaged on their special work; and while he appreciated the argument for increasing the knowledge of navigation among officers, he thought, considering the immense values of our iron-clads, that we could not attach too much importance to the desirability of retaining a number of men trained by the most extensive experience that could be given them to steer these vessels. While many foreign Navies were powerful, there was no point on which we were stronger than in our officers being able to place our ships in position or to navigate a difficult coast without the aid of pilots. The evidence of Admiral Sullivan corroborated that, and was to the effect that he had been in communication with French officers, and that he piloted their ships and placed them in position; and Admiral Sullivan distinctly stated that one great advantage which the English Navy had over others lay in their power of placing ships in difficult positions, and enabling them to approach much closer to difficult coasts, from the number of specially trained men we possessed. The one difficulty which existed with regard to this subject was, what was to be done with the navigating officers when, after a number of years' experience, they were anxious for promotion. That was another of the points which had often baffled schemes for the solution of this question; for it was supposed that navigating officers would not be so competent to command squadrons as executive officers, and this had constituted

one of the great drawbacks. He hoped his hon. Friend would not press the Motion to a division. He could assure him that the giving all possible opportunities of studying navigation to all officers in Her Majesty's Navy was a point which was constantly occupying the attention of Her Majesty's Government. He agreed with his hon. Friend that they should produce as great a number of men in the Navy able to pilot ships as they possibly could; but, looking at the matter from a non-professional point of view, he confessed he had not seen evidence to induce him to accept the Motion, and embark on a somewhat dangerous experiment.

MR. G. BENTINCK said, the hon. Gentleman (Mr. Hanbury-Tracy) had referred to the loss of the *Lord Clyde*. He would not go into the question further than to say that whatever might have been the errors of seamanship that might have led to the catastrophe to that ship, he fully concurred in the opinion of the hon. and gallant Member for Portsmouth (Sir James Elphinstone), that the economizing of coals had a great deal to do with that catastrophe. As to the points raised by the hon. Gentleman (Mr. Hanbury-Tracy), he would observe that real seamanship could only be learnt by long practice at sea, and being constantly afloat, as was the case with the present masters; he must, confess, however, that it was quite certain that under the present condition of the Navy any under class of naval officers had not the same opportunity of acquiring the details of their profession which they formerly had. Besides, we had now constructed a class of ships which were almost unmanageable, and the navigation of which required the utmost nautical skill. If the Motion were adopted, therefore, we should have to do away with men whose talents and zeal were undoubted, in order to place the Navy in the hands of men who had not had an opportunity of acquiring a sufficient knowledge of what was necessary for the safety of our ships. He sincerely hoped, in conclusion, the House would not accept the Motion, but that they would adopt the suggestion for the establishment of school ships.

MR. KINNAIRD said, he concurred in what had been expressed by the hon. and gallant Member for Stirling (Admiral Erskine), and thought it a strange policy to place civilians who might

Mr. Goschen

be wholly ignorant of naval affairs at the head of the Admiralty, and he must express his belief that when a crisis arrived, the system would bring this country into the greatest possible danger. There had been some remarkable changes at the Admiralty, and we were now reverting to the state of things which existed prior to the great administrative changes introduced by the right hon. Gentleman the Member for Pontefract.

MR. BATES said, that, as a shipowner of some standing, he must give it as his opinion that the arguments brought forward by the hon. Gentleman opposite to prove the inefficiency of the masters in the Navy were the very best which could have been adduced to show the great efficiency of those officers. If he only lost one ship out of 25 in the course of a year he should be a gainer by not insuring his ships, and therefore the fact that of the 300 vessels in commission belonging to the Royal Navy, only 13 had been lost in 10 years, went far to prove that the sailing masters were most efficient men. He must repeat, that if he had 300 ships, and only 15 were lost per annum, he should be a gainer by not insuring them.

Amendment, by leave, *withdrawn*.

ARMY—INDIA—ROYAL HORSE ARTILLERY.—OBSERVATIONS.

COLONEL NORTH, in rising to bring under the consideration of the House the claims for compensation of the officers of the five Batteries of the Royal Horse Artillery suddenly ordered home from India early in 1871, with a view of reducing the force of Royal Artillery on the Indian establishment, by which they suffered pecuniary loss, said he had to complain of the short notice given in this case—in no case less than a fortnight—the usual notice being a twelvemonth, and the usual notice of moves of regiments had been issued for a considerable time and they were not included in it, and according to a scheme which had been drawn up applicable only to the Artillery they would not have been relieved for above a year. They were, however, telegraphed for to return to this country, and the only reason for that urgency was, that the Indian Exchequer might be saved the expense of those 700 men. In this country it would be a great

expense and inconvenience to be removed suddenly; but there was much more when a removal was ordered from India to England, more especially when it was remembered that they were stationed in the Upper Provinces of India and were not relieved by other batteries who would have taken over their horses and stores at a valuation; and he therefore submitted that the officers were entitled to some remuneration for the loss they had sustained by the sale of their horses and furniture, and on account of the stores, a supply of which they were obliged to keep up. In two similar cases compensation had been granted, and he hoped that in this instance an assurance would be given to the House that some remuneration would be given to the officers who had so materially suffered.

SIR CHARLES WINGFIELD said, he should be unwilling to cast unnecessary expense upon the Indian Government, but that was a case in which very sudden notice was given, and the officers had been losers by that sudden notice, and their property had to be realized suddenly, and at whatever price they could obtain. It was an unfair system, especially when they considered it had been the custom heretofore to give several months' notice of removal, to order a regiment home on such unforeseen notice.

MR. GRANT DUFF said, he must admit that the case cited—that of the two Hussar regiments summoned home in 1870, was, although not on all fours with the one which the hon. and gallant Member (Colonel North) had just brought forward, sufficiently like it to be reasonably cited. The Hussars had, however, to leave at even shorter notice, and the Secretary of State in Council determined, as was mentioned some weeks ago, in reply to a Question from the hon. Member for Gravesend (Sir Charles Wingfield)—first, that in their very exceptional case some indulgence might be granted; and, secondly, that that indulgence should not be allowed to make a precedent. Of the five batteries none had less, some had more than a fortnight's notice, whereas one Hussar regiment had only 10 days' and the other had only about 48 hours' notice. The Motion, therefore, went far to prove that in making the concession the Government did make to the Hussars they acted with doubtful wisdom. "Hard cases made bad law," and the moment

a rule was relaxed in one case, others were brought forward, which came so near it that it was very difficult to show how they differed; for if a notice of 48 hours deserved consideration, then a notice of 10 days was pressed as deserving consideration; if that was admitted, then a fortnight's notice was put forward; then one of three weeks, and so it went on, till the rule disappeared altogether. After the Secretary of State in Council had, in compliance with the earnest recommendation of certain of the military authorities in this country, given compensation to the Hussar regiments, the Government of India pointed out very strongly the objection to what had been done as forming a dangerous precedent, and experience has proved that it was right. That being so, he trusted the hon. and gallant Gentleman would not press the Indian authorities to go further, as he must see how incompatible was the course suggested with all military usage in this country, and, indeed, with all received principles of military administration. Moreover, the officers concerned were quite aware that the exigencies of the public service might at any moment compel them to make a considerable pecuniary sacrifice, if they were suddenly ordered to leave the place where they were stationed, and the unusually high pay of India must surely, in part, be set against the risk of such sacrifice. A well-known French author had written a book called *Servitude et Grandeur Militaires*. The liability to be sent now here, now there, with scant regard to personal convenience, was part of the darker side of a soldier's life—part of the *servitude militaire*. The soldier received much honour from and owed much consideration to the State, even to the Exchequer of the State. He must however say that the hon. and gallant Gentleman had made the most of the case, for if the batteries had not come home when they did, they must have come in the hot weather, unless kept in India nearly a year; and would that have been a smaller inconvenience? Then, as to the horses, even if they had been brought home—a thing which had never been allowed—they would have fetched but small prices here, and nothing was commoner than for officers leaving India in a hurry, to leave their horses to be sold afterwards. No one, he maintained, would think of pressing such claims as

those upon the War Office, nor would the House support such a claim on our own Treasury; and we should not ask from India what we should despair of getting from the guardians of the public purse at home. The hon. and gallant Gentleman must know very well that questions of this kind were not decided directly by the Executive Government. They were decided by the Secretary of State and the Council of India—a body created by Parliament for the express purpose of defending the finances of India. That body was never so exactly fulfilling the functions for which Parliament called it into execution as when it was protecting the Indian Exchequer against pressure from powerful interests in this country, and it had surely a right to ask the House to support it on such an occasion as this.

MR. LIDDELL said, that the question before the House formed a military grievance, and he thought that some military authority representing the Government ought to offer some explanation upon it. The argument of the hon. Gentleman the Under Secretary of State for India was a quibbling argument, which would not satisfy officers in the Army. There ought to be some explanation as to why the habitual notice in time of peace was not given in this case.

MAJOR ARBUTHNOT said, he could not help expressing his regret at the decision which the Under Secretary of State for India had announced as having been arrived at in the matter. Considering the small amount of compensation asked, it would, he believed, be only dignified and just to accede to the claim made.

COLONEL BARTELOT said, he should be glad to learn what absolute necessity there was for giving such short notice to these five batteries in India. He was of opinion, that, if these batteries had received short notice simply to suit the convenience of the Government, and not because of absolute necessity, the Government was bound to compensate them.

SIR HENRY STORKS said, that changes oftentimes, and, indeed, generally, involved a certain amount of inconvenience; but it would be a very dangerous precedent to set up, that on such occasions claims should be sent in for compensation. The regiments of cavalry differed in their circumstances from the batteries of artillery in this—

Mr. Grant Duff

that while the regiments were stationed close together, so that it was found extremely difficult to dispose of their horses and effects, the batteries of artillery were quartered at stations widely apart where there was no such difficulty. The notice given in the case of the batteries, too, was much longer than that given to the cavalry. The matter had received the attention of the Secretary of State for India in Council, and the decision complained of had not been arrived at without due consideration.

Motion, "That Mr. Speaker do now leave the Chair," by leave, *withdrawn*.

Committee *deferred till Monday next*.

BURIAL GROUNDS BILL—[Lords.]

[BILL 111.] SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Cross*.)

MR. OSBORNE MORGAN, in withdrawing his opposition to the Motion, said he did not regard the Bill as satisfactory, and gave Notice that in Committee he should move Amendments in order to render the Bill a satisfactory solution of the principles involved in the measure.

Motion *agreed to*.

Bill read a second time, and *committed for Friday next*.

SITES FOR PLACES OF WORSHIP AND SCHOOLS BILL.

(*Mr. Osborne Morgan, Mr. Morley, Mr. Charles Reed, Mr. Hinde Palmer.*)

[BILL 2.] CONSIDERATION.

Order for Consideration read.

MR. NEWDEGATE moved to insert at the end of Clause 5, the words—

"And such trust deeds, together with the names of the trustees for the time being, shall be enrolled in the High Court of Chancery."

Amendment proposed,

In page 3, line 41, after the word "school," to add the words "and such trust deed, together with the names of the trustees for the time being, shall be enrolled in the High Court of Chancery."—(*Mr. Newdegate*.)

Question proposed, "That those words be there added."

MR. OSBORNE MORGAN proposed to amend the proposed Amendment, by omitting the words "together with the names of the trustees for the time being."

Amendment proposed to the said proposed Amendment, to leave out the words "together with the names of the trustees for the time being." — (*Mr. Osborne Morgan.*)

Question put, "That the words proposed to be left out stand part of the said proposed Amendment."

The House divided:—Ayes 3; Noes 22: Majority 19.

And it appearing from the Division that 40 Members were not present—

The House was adjourned at half after One o'clock till Monday next.

HOUSE OF LORDS,

Monday, 10th June, 1872.

MINUTES.]—PUBLIC BILLS.—*First Reading*—Appointment of Commissioners for taking Affidavits* (133); Pier and Harbour Orders Confirmation (No. 2)* (134).

Second Reading—Parliamentary and Municipal Elections (117); Pier and Harbour Orders Confirmation* (116); Metropolitan Commons Supplemental* (115); Public Health (Scotland) Supplemental* (121); Cattle Disease (Ireland) Acts Amendment* (125); Charitable Loan Societies (Ireland)* (124).

Select Committee—Report—Epping Forest* (112 132).

*Committee—Statute Law Revision** (107).

Committee—Report—Local Government Supplemental* (103).

Report—Intoxicating Liquor (Licensing)* (131); Gas and Water Orders Confirmation* (101).

Third Reading—Juries Act Amendment (Ireland)* (109), and *passed*.

Withdrawn—Middlesex Registration Amendment* (86).

PARLIAMENTARY AND MUNICIPAL ELECTIONS BILL.—(No. 117).

(*The Lord President.*)

SECOND READING.

Order of the Day for the Second Reading, read.

THE MARQUESS OF RIPON, in moving that the Bill be now read the second time, said: My Lords, the circumstances under which the Bill of last year came up to your Lordships do not present themselves in the Bill now before you. You will remember that the principal argument of the noble Earl who moved the rejection of the Bill of last year (the Earl of Shaftesbury) and of those noble Lords who supported him was founded on the period of the Session when the measure came up to this House. It was urged by the noble Earl, and by the majority

who adopted his views, that we had then arrived at too late a period of the Session to give adequate consideration to a measure of so much importance. I did not concur in the views of the noble Earl; but, at all events, the argument which he used cannot be adduced again on this occasion, for the Bill has come up to your Lordships' House two months earlier than the time at which the Bill of last year was laid before you. That being the case with regard to the period at which the measure comes to be considered, I think I may say that the time which has elapsed since last autumn has shown, in the first place, that the desire of the House of Commons to adopt the principle of the Ballot as an improvement upon the existing system of Parliamentary election has not diminished; for they have again sent up the Bill by a large majority—a fact which of itself entitles the Bill to a full and fair consideration at your Lordships' hands. Again, the time which has elapsed since last August has shown no change in the opinion of the country on the subject, and it remains the same as when at the last General Election, so great a desire was manifested by the electoral bodies to obtain the securities which it is the object of this Bill to obtain. That being so, I hope that your Lordships will address yourselves to the consideration of the question with the desire to deal in Committee with the proposals it contains for the improvement of our electoral system.

My Lords, the main object of the Bill is by improvements in the machinery of elections to effect the establishment of a system that will secure better order and more regularity in elections than at present exist; will put an end to the evils of intimidation, and which, if it will not altogether put an end to, will tend to diminish to a considerable extent the scandal of bribery. There is very important evidence in respect to the effect of the Ballot in producing order and tranquillity at elections. I believe that there can be no controversy, for it is conceded by all who have seen the system in operation in foreign countries, that, whatever may be its other merits or demerits, it does secure a remarkable degree of order and regularity during the time of election. We have now upon our Table very valuable evidence upon this matter—valuable be-

cause it relates to the system as practised in different parts of the globe, and because it rests upon testimony which none of your Lordships can suspect on account of any previous approval of the system of Ballot by the gentlemen who gave it, when they were in this country. I will refer for a very few moments to Papers which were laid upon your Lordships' Table last year as to the operation of the Ballot in our colonies. There are among them two statements of Governors of very important colonies in Australia, gentlemen who are very well known to noble Lords opposite, and whose opinions they will not be eager to controvert. These opinions are those of Mr. Ducane, Governor of Tasmania, and of Sir James Fergusson, Governor of South Australia. Mr. Ducane says—

"As no general election has taken place since I first arrived in the colony, my own practical experience of the working of the system is necessarily more limited than it would otherwise have been. Nothing, however, has occurred at any contested election which has taken place during the period of my governorship which would lead me to dissent from Mr. Wilson's opinion so far as the existing state of things is concerned. I may further add that, having been in Hobart Town on three different occasions when contested elections were proceeding, I was much struck with the total absence of any local excitement, and should not have discovered that any event out of the common was going on at the time. That this perfect tranquillity is mainly attributable to the present system of voting, and especially to the system of nomination in writing, also in force in the colony" (full particulars of which your Lordships will find in the copy of the Electoral Act subjoined to the memorandum), "I must unhesitatingly record my opinion."

Sir James Fergusson, the Governor of South Australia, says—

"I am bound to state that the Ballot is generally and remarkably popular in the colony. To the people at large it appears to give entire satisfaction. By the upper classes and the minorities, especially if unpopular, it is found to be a valuable protection, and the only persons whom I have found to regard it with aversion are those who view it only as part of institutions which they dislike, and to the working of which they attribute legislative mistakes and administrative defects. Such persons are, however, few in number; for, generally, those who regret the institution of universal suffrage, and ascribe to it many mischiefs, consider the Ballot to have had a mitigating influence—to have enabled, often, the superior and independent candidate to be returned, the employer to vote undeterred by his workmen, the Civil Service by the Ministry, the tradesmen by their respective classes—and anticipate a yet greater advantage in case of the occurrence of popular excitement and the discussion of disturbing topics."

The Marquess of Ripon

My Lords, this evidence relates to what actually occurs at elections—it is not evidence of a matter of opinion, but evidence of matter of fact with respect to the working of the system in other countries; and, looking at the persons from whom the evidence comes, I think no statements on the subject could be more worthy of consideration than those of the gentlemen from whom I have quoted. There is other evidence on which I do not desire to lay too much stress but which I cannot altogether pass over—I mean the evidence as to the working of the Ballot system in the elections of the London School Board. The elections of that School Board are the only occasions on which the Ballot has, to any extent, been put into operation in the country; and those elections, both in their order and results, are a proof that the system has produced the most favourable consequences. Although the general election of the London School Board has occurred only upon one occasion, there have been several by elections under which the system of cumulative voting did not apply, because they were only single elections, so that these latter elections would be very similar to Parliamentary elections, and we have nothing to regret in reference to the regularity and order of such elections. Under this Bill there will be an end of nomination days, which it has always appeared to me might be described as public nuisances. Another advantage which will arise from it will be that there will be no publication of a 2 o'clock poll, which at present is a cause of so much excitement. There will be no declaration till the close of the poll. Your Lordships will not, I am sure, be inclined to underrate the importance of anything that tends to produce order and regularity at elections; and while I approve the extension of the franchise which we have seen within the last few years, there can be no doubt that the larger the constituency and the stronger the popular element, the more likely it is that the individual voters will be deterred from the free exercise of the franchise. In boroughs, in particular, where the conduct of voters is more closely scrutinized, persons of a quiet and shrinking disposition will be likely to be deterred from the exercise of their rights. Persons of this class are more numerous than might be supposed, and a measure

affording them security will, in itself, be a great advantage to the cause of public order. I had occasion to point out last year that since the large extension of the suffrage, which took place a few years ago, this question of intimidation had assumed a new aspect. It is said that under the influences which are at present in operation intimidation by individuals, such as the intimidation of landlords, employers, and others, has decreased, and must continue to decrease; but I am now referring to a different system of intimidation, which is likely to spring up under a much extended suffrage—intimidation by bodies like trades unions. Now, while public opinion diminishes the danger of intimidation from an individual, it does not apply with at all the same force to bodies of this description; because in any pressure they may apply they would probably have the support of the mass of their members, and would therefore not lie within the control of public opinion. I think your Lordships will be of opinion that against intimidation from such sources greater security is required than any afforded under the present system. You cannot to any considerable extent deal with intimidation of this kind by any extremity of punishment. Consequently, if your Lordships desire that the suffrage given to those classes should be exercised freely, and should express their real feeling, you are bound to secure them in the free exercise of the franchise and give them that protection against intimidation which you cannot provide for them by any of the means you have hitherto applied. You cannot put it down by penal interference, and if you attempt it you will come to a point at which you will run serious danger of interfering with the just and necessary freedom of contract and of intercourse between employers and employed. I think it is far wiser to adopt the course which would seem to put down the evil altogether. I should be overstating my opinion and going beyond what I believe to be the fact, if I were to say that the introduction of the Ballot will put an end to bribery, but I do think that it will diminish it by rendering the temptation to the briber and the bribed much less than it is at present. Of course it may be possible to bribe by promising to a knot of people a lump sum in case the election is

carried; but that may be done now as well as under this Bill. Objections to the Ballot have been made on the grounds of the frauds practised in other places by the removal of voting-papers deposited in the ballot-box, and the substitution of others in their stead; but the question of machinery, while a fair one for argument, is one of detail and arrangement, and not one of principle. My Lords, I have always been for the Ballot, but I must admit that an argument has been used against it which, with many persons, had considerable weight. It was that the franchise was a trust, and that the persons who possessed it were bound to exercise it in the face of the whole community. Now whatever force that argument may have had when the constituency was a limited one, I do not think it can have any at present. I do not suppose it can be said in these days of a very extended suffrage that the electors exercise that suffrage on behalf of anyone but themselves. Of course, the man who votes against his conscience does wrong, whether his vote be given in public or in the secrecy of the Ballot. My Lords, maintaining as I do those opinions, I venture to say that after the discussions on this subject in this House and the other House of Parliament, and after those manifestations of public opinion which have been recognized in the House of Commons, the time has come when your Lordships may be asked to give your approval to the adoption of this system. I will not pretend to argue that it is your duty on occasions of this kind to accept any measure sent up to you by the other House of Parliament merely because it has been so sent up; but I do submit that on a question of this character, the decision of the House of Commons is entitled to especial consideration, because it comes from those who have had the widest and most recent experience of the working of our electoral machinery, and who may be presumed to be the most interested in making that machinery as good and effective as possible. Looking, therefore, at the matter merely in that light, and putting aside for a moment the respect due to the House of Commons as the other branch of the Legislature, I venture to hope that your Lordships will not be inclined to reject a Bill which is sent up to you for the second time after full consideration. Believing that this Bill thus presented to

you by the other House is one that contains large and valuable improvements in the machinery which will protect the voter from intimidation and violence, whether from individuals, classes, or combinations; will secure to a very large extent much greater regularity and order in the conduct of elections; and will diminish, though I do not pretend that it will entirely remove, the evils of bribery, I ask your Lordships to give it a second reading.

Moved, "That the Bill be now read 2^a."
—(*The Lord President.*)

EARL GREY: My Lords, the discussions which the question of the Ballot has undergone during the last 40 years have so exhausted the subject that I should be making an unjustifiable demand upon your Lordships' patience were I again to enter into the general arguments against this mode of voting, which have been used so often, and with which you must be so familiar; I will therefore, on this occasion, confine myself almost exclusively to those reasons for not agreeing to the Bill which seem to me to arise from the time and from the circumstances under which it is brought forward. My main objection to this Bill is that we are asked to make by it a very important change in our representative system without taking into consideration the general state of that system. We must not forget that this is not the only change which is contemplated. We have been told by so high an authority as the Prime Minister that this is but one of three questions connected with the representation which must soon occupy the attention of Parliament. He has warned us that we shall have to consider not only the Ballot, but also a further change in the franchise, and in the distribution of seats as settled by the Act of 1867. This is an important warning coming from the Prime Minister, yet it was hardly needed. The signs that these questions will speedily be forced on our consideration are too clear to escape the most careless observer, and I must add the faults and anomalies of our present system are so glaring that it is neither possible nor desirable that it should be long maintained unaltered. But if we have to look forward to the necessity of revising, at no distant date, the system under which the Representatives of the people

The Marquess of Ripon

are now returned, I submit to your Lordships that it would be unwise and inexpedient to make a partial change in it without considering as a whole the arrangement to be hereafter adopted. Before we determine whether voting is to be secret or open we ought to know by what constituencies, and under what circumstances, the franchise is to be exercised. And there is also this further and important objection to dealing with this question singly—that by doing so, by making one change in the representation this year, another next year, and another the year after, you may be gradually led into making such a total alteration in the whole character of our government, as would meet with your most determined resistance if it were proposed to you at once. As men of ordinary prudence we ought not to assent to such a change as that now proposed to us, without having before us the whole scheme of which it forms a part, for I hold that the only legitimate object of all changes affecting the representation is to secure a better House of Commons. But during the whole speech of my noble Friend who moved the second reading, I listened in vain for any argument to show that the Bill before us would have this effect. For my own part, I oppose the Bill because I believe it would tend to give us a worse instead of a better House of Commons, and also because I believe it would be an obstacle to such a real reform in that House as I believe to be urgently required. It is this last consideration which weighs most with me. The House of Commons is in this country the great centre of political power. It is not only the principal organ of legislation, it also exercises a complete control over the Executive Government, and that Government takes its whole colour and character from the House to which it owes its existence. Whether the country is to be well and wisely governed or the reverse, depends therefore upon the fitness of the House of Commons for its high duties. But this fitness it has not lately shown, and it is because the House of Commons has not proved equal to the task imposed upon it that I think your Lordships ought not to pass a Bill which proposes to make only a partial change in it, and would be an obstacle to a more complete improvement. I have ventured to assert that the House of Commons has not proved

equal to its duties, because I am of opinion that during the last few years the country has not been governed as it ought to have been. And I am not singular in that opinion. I find that a large number of persons whose judgment deserves respect concur in it, and I would ask your Lordships whether there are not signs that a feeling is becoming very prevalent in the country that for some time public affairs have been ill managed? That such a feeling exists I am persuaded few of your Lordships would deny, and there is ample cause to be found for it, if we consider the manner in which the work both of legislation and of administration has been carried on. In the Executive Government we find no traces of foresight or of a steady adherence to a policy adopted after careful consideration of the real wants of the nation, but, instead, measures framed only to catch the mere cry of the day and to win a factitious popularity. Take as a sample the administration of our Army. If you look back at the course of our military administration for some years, you cannot fail to recognize the fact that it has been directed, now by close but false economy when economy has been the cry, and now to meet panic by increased armaments and unwise and ill-judged expenditure. Every other Department of the State has been carried on in the same spirit; all have been guided by the fleeting popular opinion of the hour, not by that deliberate judgment in the conduct of affairs, so necessary to secure the permanent welfare and prosperity of a great Empire. The want of firmness and of judgment displayed in its measures has created a general belief in the feebleness of the Government, has impaired its authority, and dangerously relaxed the reins of discipline. Turning to legislation, we know that it is almost at a stand as regards measures which are not taken up as party questions, and in favour of which no party cry can be raised. Yet there are measures of this sort which are universally admitted to be urgently wanted for the welfare of the people, but because they cannot be made to serve party interests they are neglected. Nor is this the worst. We find sometimes that very difficult and important questions—questions requiring for their right solution much knowledge and all the judgment of statesmen, are left under

the present constitution of the House of Commons to the decision of passion and of prejudice. Let me remind you of what has just taken place with regard to the Contagious Diseases Act. On this most important and most difficult question we have had the humiliating exhibition of the Government being compelled to declare that while the results of a most careful enquiry by thoroughly competent men, and the general concurrence of enlightened opinion recommended a course which was also approved by their own judgment, they were yet obliged to take an opposite one because it was clearly vain to struggle against the influence which exciting appeals to ignorance and prejudice bring to bear on the Members of the House of Commons under its present constitution. What has happened in this case may well alarm us for the future, when we consider what difficult questions affecting the social state of the country are rising before us—questions such as those respecting the mutual relations of employers and employed, and as to the rights and obligations that attach to property. On these and such like questions infinite mischief may be done by unwise legislation; to judge rightly of them requires knowledge and experience, while they are subjects on which the people may be too easily misled and have their passions excited; and from what has already happened, we have too much reason to fear that the measures to be adopted with reference to them will be decided not by reason and deliberation within the walls of Parliament, but by clamour and passion without. Nor is it only from its yielding too easily to unreasoning clamour that the present House of Commons fails in the discharge of its duty; we have to complain that it never before showed so strong a disposition to sacrifice the interests of the public to the interests of party. I do not pretend that at any period of its history the House of Commons has been free from the influence of party spirit. In all free Governments the evil effects of this spirit have hitherto been felt, and I fear this is a price which must be paid for the inestimable blessing of a free Constitution. But I contend that party spirit was never before so predominant as now, and that never before was the preference of party to national interests avowed and acted upon in so unblush-

ing a manner. There can be no stronger proof of this than that which is afforded by the Bill now before us. Allow me to recall to your Lordships' recollection the history of this Bill. The subject had, for some time, attracted comparatively little notice until last year when, by the failure of its marvellous Budget and by other blunders, the Government found itself involved in such serious difficulties that it seemed doubtful whether it would be able to go on. Then, all at once, the newspapers in its interest raised the cry that it must devote all its energies to carrying the Ballot Bill. It was not pretended that this was the measure most urgently wanted for the public interest. On the contrary, in the third Session of a Parliament, with no early prospect of a General Election, a change in the mode of voting, even if it were admitted to be desirable, could not be pressing in point of time. But there were other measures as to which time was precious—the faults of the sanitary laws had been officially reported as causing annually 120,000 unnecessary deaths. The laws relating to mines were not less notoriously defective, and this accounts, in part at least, for the fearful frequency of accidents, by which the lives of so many industrious men are lost every year. The need of a new law respecting education in Scotland was also admitted by the Government itself to be urgent. And in all these cases time was as precious as it was comparatively unimportant with respect to the Ballot Bill, for every year that legislation upon these subjects was postponed, people were dying and suffering without necessity, and more children in Scotland were growing up in ignorance. To do justice to those who called upon the Government to postpone these important and pressing subjects in order to devote the time of Parliament to the Ballot Bill, they did not pretend that it was for the public good they asked it. A very different motive was avowed; it was proclaimed without disguise that the Ballot Bill must be proceeded with in order "to keep the Liberal party together." Now, see what this implied; it implied no less than this—that those who gave this advice thought it right to postpone the interests of the nation to the interests of their party, and to sacrifice the former in order to secure the latter. And this was not merely the

Earl Grey

advice of newspapers; it was acted upon by the Government. When so many of the precious hours of the House of Commons were last year devoted to the Ballot Bill instead of to measures of practical utility, it was as well known by Her Majesty's Government as by the rest of the world that there was not the remotest chance of its passing into a law, and that except "keeping the Liberal party together" it would serve no purpose to discuss it. For this purpose it was successful enough—it helped to divert public attention from the faults of the Ministers and to prevent defection from their ranks—it was a skilful party move—but to those who think the interest of the nation more important than that of a party the result in the waste of a Session is not so satisfactory. My Lords, I have referred to what has happened as to the Ballot Bill and the Contagious Diseases Act, because these transactions throw light on the influences which prevail in the House of Commons as now constituted. Party spirit within its walls; clamour and appeals to the passions of the ignorant without, are shown to be the forces which have most power over it, and account for the fact that it has failed to fill its place in the Constitution as it ought—that its influence has not proved favourable to a judicious and firm exercise of the powers of the Executive Government, still less to the passing without needless delay of such laws as are required to promote the welfare of the people. I must add that it has also failed in another respect. I would remind your Lordships that it is the duty of the House of Commons not only to express and enforce the opinion of the nation, but also to take a very important part in leading and directing that opinion by its debates. Formerly it did this with great effect. Look, for instance, how powerful an influence it exercised in bringing round the opinion of the nation on Free Trade. When I first entered the House of Commons Free Trade was equally unpopular on both sides of it, and with all classes, with merchants and manufacturers, as with landlords and farmers. Those in favour of it were a small minority, both in Parliament and in the country; but the continual discussion of the subject in Parliament was the most powerful instrument in gradually altering men's

opinions upon it, and at length, after a 20 years' struggle, the public adopted what is now regarded as the common-sense view of the matter. It will hardly be asserted that the House of Commons now performs this important function of instructing the nation as well as it did; there is no longer to be found among its Members the same independent spirit, and there are few of them who will venture to combat any prevailing error or popular delusion. Perhaps I may be told that in finding so much fault with the present House of Commons, I have forgot the great services it has rendered to the public, especially by passing the three important Acts relating to the Church, to the occupation of land in Ireland, and to the education of the people in England. I have not forgotten these Acts, and I should be the last to undervalue them. I consider them of the highest importance; one of them, on the whole, an eminently wise and good measure, though not free from some serious faults which were probably unavoidable. The two others—those relating to the Church and to the occupation of land in Ireland—were also directed to objects of which I heartily approve; the one was intended to effect a much needed change in the policy of the nation, and to redress a gross injustice to the Irish people; the other to remove a real and very serious grievance. But the means adopted for attaining these objects I cannot regard as entitled to the same approval as the objects themselves. In the provisions of both these Acts, and still more in the manner in which they were carried, there are to my mind unfortunate marks of party spirit, and of a want of the calm and statesmanlike judgment required to deal successfully with such difficult subjects. To this I must attribute the fact that hitherto, at least, these Acts have not yielded the looked-for fruits of increased contentment and a better feeling towards the Imperial Government in the Irish people. Had these measures, however, been as good as their warmest admirers believe, they are not sufficient to alter my view of the general character of the present Parliament. I still hold that the facts I have laid before you make good the statement with which I began—that the House of Commons as now constituted, has not been found equal to its high duties, and that there is therefore

an urgent need for a comprehensive measure of real Parliamentary Reform. Not a Reform which would recal what has been done in admitting a larger part of the people to share in the exercise of political power, but which would yet provide—as I am convinced is possible by suitable arrangements—for making the House of Commons a better representative of the intelligence of the nation, and more capable of directing wisely the government of this great Empire. My main objection to this Bill is, that by making a partial change in our representation, it will add to the difficulty of hereafter accomplishing such a real reform; but I object to it also, because whatever effect it has will be to aggravate the greatest faults which experience has brought to light in the House of Commons, as altered by the Act of 1867. Those faults arise, as I believe, mainly from the fact that the present mode of carrying on elections gives undue power to those small knots of men who contrive to promote their own interest, by obtaining a control of elections. These men, in the expressive language of American politicians, have been called “wire-pullers.” Under the system of secret voting, as it would be established by this Bill, and supposing no other change to be made, these “wire-pullers” would become absolutely irresistible. We know that they are so in America, that the right of electors to vote as they please is practically useless, and that the real choice of Representatives lies with “caucuses” and “wire-pullers.” Complaints of this abuse fill the American newspapers; and if this is the effect of the Ballot in the United States, we may safely conclude that in this country also it would tend to increase the power of the wire-pullers. Allow me to add a few remarks on the principal argument in favour of the Bill urged by my noble Friend. He says that it has twice passed the House of Commons by large majorities in two consecutive years, and that this is a manifestation of public opinion to which we ought to bow. No one of your Lordships can recognize more heartily than myself the authority of public opinion; but we must distinguish between real public opinion and a mere popular cry which is sometimes mistaken for it. Public opinion, truly so called, is the opinion of the majority of those who are able to think and to form an

opinion for themselves. As such it is gradually formed by the process of public discussion, and as it is of slow growth, so it is not liable to sudden and hasty changes. A popular cry, on the other hand, is merely what has been well called the "mechanical acquiescence" of large numbers of men having no opinion of their own, in what is recommended to them by those who have contrived—sometimes by the lowest arts and for the basest purposes—to gain their ear for the moment; it is lightly taken up, and no less lightly altered, and is ever shifting and unstable. It is a blessing to a nation to be ruled by the former; a curse to be guided by the other. It has hitherto been the great boast of our Constitution, that while it has never failed to give effect to deliberate and mature opinion, it has saved our Government from being the sport of every hasty cry. And it is in no small measure to your Lordships' House that this is due, by your having had the firmness to say "No!" to demands, however loud or menacing," which you have judged not to have the true opinion of the nation in their favour. With regard to the Bill now before us, I should be the last to ask your Lordships to reject it if there were any indications that it had the support of this opinion; but all the indications, so far as I can see, point to the opposite conclusion. We know that even among those who hold strong democratic opinions—a large proportion of the men most distinguished for knowledge and for their philosophical minds—such men, for instance, as Mr. Mill—are decidedly opposed to the system of vote by Ballot. We have reason also to believe, from all we hear out-of-doors, that many of the large majority for this Bill in the other House have given it but a lukewarm and reluctant support; and that if in this case the specific of Ballot had been applied to the House of Commons, and its Members had been allowed the privilege of giving their votes on the Bill in this manner, it would never have come before your Lordships. When I see such strong grounds for believing that the real opinion of the House of Commons is not in favour of the Bill, and that the majorities that have passed it are a mere expression of party feeling, obtained by strong coercion, I cannot accept the fact that it has in two successive Sessions received the

Earl Grey

sanction of that House as a sufficient reason for our agreeing to its second reading. If this House is not to exercise its independent judgment in such a case as this, I for one say deliberately it had better be abolished, because it will have ceased to perform its proper function in the Constitution. I cannot conclude without adding a few words on the argument I have heard, that it would be better not to reject this Bill on the second reading, but to amend it in Committee. I would ask with what view is it to be amended? I am persuaded that none of your Lordships would approve of attempting to get rid of this Bill by introducing into it Amendments inconsistent with its spirit in order to insure its ultimate failure. So undignified and indirect a course I am quite certain your Lordships will not adopt, and that any Amendments you may decide upon making will be really intended to improve the Bill, with a view to its becoming law. But if so, I am unable to conceive what Amendments of real value can be introduced, except upon one single point. If the Bill is to pass, I think it is important that we should replace in it the provisions for an efficient scrutiny, which were contained in the original Bill of Her Majesty's Ministers two years ago, but are omitted from that now before us. These provisions I believe to be absolutely necessary to prevent gross abuses, and I should look with great alarm to the frauds and the unfair proceedings which might be committed with impunity by unscrupulous Returning Officers under the Bill as it stands. But with this exception, I am utterly at a loss to discover in what respect the Bill could be materially altered without interfering with its spirit and intention. I have only to add that I do not oppose the second reading of this Bill with the slightest hope that my opposition can be successful, since I know that it is not to have the support of the great body of the noble Lords who occupy the benches behind me; but as I entertain a strong conviction that in passing this Bill we shall be making a great mistake—that we shall be taking a course injurious to the nation, and specially injurious to this House—I have thought it my duty to record my opinion, and to give an opportunity of recording theirs to those of your Lordships who agree with me. I also indulge a hope that, although our

opposition may be vain so far as regards arresting the progress of this Bill, it may yet be not altogether useless, but may possibly have some effect in leading your Lordships and the public carefully to consider the whole state of our representation, and the urgent need there is of an effectual reform, in order that the House of Commons may be rendered more equal to its high duties, and that the nation may be governed with more vigour and more wisdom than at present. I move that this Bill be read a second time this day six months.

An Amendment *moved*, to leave out ("now") and insert ("this day six months.")—(*The Earl Grey*.)

THE DUKE OF RICHMOND: My Lords, I am anxious to take this early opportunity of stating the views which I hold in regard to the Bill now before your Lordships; and I wish to begin by stating that I regret extremely Her Majesty's Government should have thought it necessary to deal with this question at all; but the question having been brought before your Lordships it is one we must entertain, and therefore I ask your Lordships' permission to offer a few remarks. I think it will not be denied that this is the first time your Lordships have been seriously and distinctly asked to consider the question of taking votes by way of Ballot; because it was manifest to all—indeed, the noble Marquess who introduced the Bill scarcely denied it—that the period of the Session at which this Bill was brought before your Lordships last year rendered it almost, if not altogether, impossible to devote that time and attention which were necessary to a measure of such importance, and therefore I may assume your Lordships were perfectly justified in the course which you pursued on that occasion. I think that subsequent events have tended to show how unwise it would have been had you on the 10th of August last year attempted to go into the merits or demerits of this question. The Bill of last year was characterized by the Prime Minister as amounting almost to perfection; and yet when introduced into the House of Commons this year it is found to be so complicated in its details and so full of difficulties that it is not till the 10th of June that the other House of Parliament have been able to send it to your Lordships for consideration. Now,

the arguments upon this subject are so familiar to most, if not all, of your Lordships that I do not think it will be necessary for me to dwell upon them at any great length; but I should like to call your Lordships' attention to three points—first of all, the manner and mode in which this question has been dealt with by the other House of Parliament at various periods; secondly, what are the evils complained of? and thirdly, whether the measure now before us is one calculated to attain the object which the Government say they have in view? Now, the subject of the Ballot has been debated in the House of Commons for, I think, the last 40 years. It has generally been the crotchet of some Member of the "advanced section" of the Liberal party who annually aired his eloquence before that Assembly by introducing a Bill, which in due course was snubbed by the constituted leaders of the party, and disposed of in a very summary manner, sometimes with, but more often without, any very lengthened discussion. In that condition we find the question till the year 1867. The Prime Minister had, I think, for 40 years of his life opposed this measure—but at that time a change seems to have come over the spirit of the Liberal party; and I confess it did not surprise me that he who had been the champion of the Established Church of Ireland and had at once become the disestablisher and destroyer of that Church should, with all the zeal of a recent convert, become suddenly one of the most ardent and one of the most energetic supporters of the advanced doctrines of the Liberal faith. So we find the right hon. Gentleman the Prime Minister and his Government introducing a measure which, for the most part, they had previously opposed. It is obvious that some reason must be advanced for this change of opinion; and, accordingly, we find the Prime Minister looking about for a reason by which to justify this sudden inconsistency of conduct; and turning to the Reform Bill of the late Government, he stated as a reason for the thorough alteration of his opinions, and for his advocacy of the Ballot, that the Bill of the late Government had produced a state of almost universal suffrage. My noble Friend who introduced the Bill to-night, with great caution, did not go so far, for he only treated that Act as an

extension of the suffrage; and, accordingly, the Act, in his opinion, being of a much milder character than it appears to the Prime Minister to be, it does not furnish even that small reason which might perhaps have existed for departing from the course previously adopted by Members of the Government. That the measure, however, which was introduced by the late Government and passed into a law has led to a state of universal suffrage is very far from the truth. By the last Census the population of the United Kingdom of Great Britain and Ireland was 32,000,000; but the voters at the last election numbered only 2,300,000. This would leave of those unrepresented by votes something like 30,000,000 people. ["Oh! oh!" "Hear!"] I merely give the facts and figures, which nobody can contradict; noble Lords will be at liberty to comment upon them hereafter. It is a very remarkable circumstance that upon this subject of the Ballot the great majority of Her Majesty's Ministers in the other House of Parliament have been remarkably silent; indeed, I am not sure that any Member of the Government except the Prime Minister and the Vice President of the Committee of Council took any part in the discussions. The Vice President of the Council has been a consistent advocate of the Ballot, I believe, throughout his Parliamentary career; but the reason why the Members of the Government have not taken part in the debate would not, I think, have been very difficult to discover. It must be painful to men who have, for so many years, been advocating a particular line of policy, suddenly—and without, as I think, sufficient grounds—to take exactly the opposite course. There is one Member of Her Majesty's Government whose reticence on this question I can very well understand, and I am inclined to think that the right hon. Gentleman having changed his opinions so frequently on the matter, is at the present moment at a loss to know whether he is for or against the Ballot. As I shall have occasion to quote the opinion of the right hon. Gentleman again when I come to another part of the subject and to found some arguments upon it, I will ask your Lordships' permission to quote a few lines giving you a notion of the state of mind a few years ago of Mr. Chichester Fortescue the President of

The Duke of Richmond

the Board of Trade. This was upon one of the earlier Motions to which I have alluded, brought forward by Mr. Berkeley. Mr. Fortescue said—

"It so happened that for several years he had given but one vote on this subject, and that was for the Ballot. He was enough of a party man to feel great reluctance to sever himself from the friends with whom he generally acted, and this reluctance led him without sufficient examination to give the vote in question. Since that time, however, he had thought much on the Ballot, and the more he had thought of it the less he liked it."—[3 *Hansard*, civii. 951-2.]

I think—and in that I concur with the noble Earl on the cross-benches (Earl Grey) — that this measure has been brought forward to suit the convenience of Her Majesty's Government and to meet the requirements of the advanced section of the Liberal party. Such being the case, I am led to inquire what are the evils complained of, and how will those evils be met by the measure which is now proposed? The noble Marquess the President of the Council has declared that these evils are—first of all, intimidation and undue influence; secondly, corruption and bribery; and, thirdly, rioting at elections. I think your Lordships will agree with me that, as regards the last subject—rioting at elections—a system of compulsory secrecy cannot be necessary—and in the remarks which I shall make I wish to draw a great distinction between what is called compulsory secrecy and what I will call optional secrecy. If you have a system of optional secrecy, you may make use of the Ballot by having an increased number of polling-places, and you may enact that the state of the poll shall not be declared until some late period of the day. There are various arrangements of that kind which, no doubt, would tend to more orderly conduct during elections than is at present observed. With regard to bribery and corruption, the noble Marquess himself has scarcely left it necessary that I should go at great length into that part of the subject, for he almost, if not quite, gives up the case of bribery, for he tells us that he should not be warranted in stating that it would altogether put an end to the scandal of bribery, though he thinks it would reduce its present amount. But you must remember that there is another corrupt practice which this Bill will certainly encourage, and that is the practice of personation. It is a question whether

by this Bill, which is—and only partially—to suppress bribery and corruption, you do not give a great stimulus to this other corrupt practice, for the Bill is so worded and drawn up that it will be almost impracticable to detect this offence of personation. In effect, persons are thus told—"If detected in personation, you will be liable to a very severe punishment; but inasmuch as detection will be almost impossible, you may go and commit the crime with impunity." On the question of intimidation, I was astonished to hear the line taken by the noble Marquess. He did not make out any strong case of intimidation, or that any great number of persons had been subjected to this form of undue influence; but because there are a very few weak-minded persons who have not the courage to stand up for their opinions, he intends to shut the mouths of the great majority who desire to give their votes fairly, freely, and openly before the country. If you insist on a system of compulsory secrecy in the election of Members of Parliament, I say that you are bound to show the existence of a great and pressing evil, and that this is the only measure by which it can be met. The noble Marquess referred to the example of the British Colonies and the great success which had there attended the working of the Ballot. He laid great stress especially upon the Australian Colonies as if they were the only colonies which the mother country possessed. I have read the reports from the Governors of those colonies, and in some of them, I think, the offence of personation was said to be not infrequent; and it often happens, apparently, that a man votes at one station, and then rides off to another, and under the present system no mode exists of detection. I also read in one of those reports—I forget at this moment which—that bribery does not prevail because importance is not at present attached to a seat in the Legislature; but that if this once became an object of great ambition in the colony, it was not likely that the Ballot would put an end to corruption. I think there is at least one Australian Colony in which the secrecy conferred by the Ballot is not compulsory, but optional. [The Earl of KIMBERLEY dissented.] I was told, a few days ago, that in Victoria the Ballot is merely optional; but, of course, if the noble

Earl the Secretary of State for the Colonies tells me otherwise, I am bound to defer to his superior authority—but the argument to my mind is just the same. The Australian Colonies, however, are not, as I have said, the only colonies which the mother country possesses. Why did not the noble Marquess tell us what has occurred in Canada? Surely Canada is a very important colony, and, like Australia, it is inhabited by a population for the most part of British origin. For the last 20 or 25 years attempts have been made to introduce the Ballot into Canada, but they have always ended in failure—many Petitions in favour of it have been presented to the Legislature, and several Bills on the subject have been introduced; but the Ballot has never become the law of the country. With your Lordships' permission I will read a few lines written by a gentleman who is a reliable authority in Canada, and who sums up the whole question of the Ballot with regard to that colony. After going into numerous details, showing the number of Bills introduced and Petitions presented on the subject, he thus sums up the question—and I think this may be fairly regarded as a set-off against the alleged success of the Ballot in other colonies. In a letter dated from Cliffside, Ottawa, December, 1871, and addressed to *The Times*, Mr. Fennings Taylor says—

"It thus appears that, with one exception, the Ballot has been avoided by every province of the Canadian Dominion. In the excepted province—New Brunswick—after an experience of 15 years, the trial seems to have left no impression of advantage on the minds of those who had the opportunity of watching its operations and estimating its worth. From all of this we learn that the inhabitants of one half of the Continent of North America, having seen the Ballot in use among their neighbours in the United States, and tested its advantages in one of their own provinces, have arrived at what may be regarded as a unanimous conclusion that the secret system of voting has no special charm to recommend it."

Now, I lay down this theory—that the experience of the colonies is not a fair test to apply to the mother country. What does the President of the Board of Trade say on this subject? Speaking in March, 1860, Mr. Chichester Fortescue said—

"These objections (i.e., the objections he held against the Ballot) had not been lessened, but increased by his Australian experience at the Foreign Office. . . . His strong conviction was that the House of Commons had nothing to learn from Australia in this regard. . . . Circumstances

were, moreover, so different in Australia from the state of things in the old country, that no safe conclusion from the one was applicable to the other. . . . The Ballot succeeded admirably where it was not wanted, but when there was real intimidation it would either fail, or else the secrecy would be obtained at a cost that it was not worth—namely, the sacrifice of the voter's honesty and uprightness.—[3 *Hansard*, clvii. 952.]

These remarks were made in 1860, at a time when the right hon. Gentleman told us he had given much attention to the matter. Experience, however, seems to have since taught him that all he said on that occasion, after his Australian experience at the Colonial Office, did not deserve much reliance. In corroboration of the view he then entertained as to the inexpediency of applying the experience of the colonies to the mother country, I will read what was said upon the subject by one whose opinion must command attention on the other side of the House, and I believe on this side also. I refer to a statesman who was thoroughly appreciated by his own party and by the public, and whom I regard as one of the most honourable and upright men who ever sat in the House of Commons—the late Sir George Cornewall Lewis. He said in 1857—

“Neither do I think that the examples of this institution in some of our colonies—those new societies in which this mode of voting has lately been introduced—can be of much assistance to a country whose social and political condition is so different as that of the mother country. The country to which we must look as furnishing really important lessons upon this subject, and which I apprehend is always in the minds of those who recommend the establishment of the Ballot in this country, is the United States of America.—[3 *Hansard*, cxlvi. 657.]

Now, we know—and, indeed, it appears from the noble Marquess's own showing—that in the United States of America, where last year a very quiet election was held, the Ballot was not conducted on a system of compulsory secrecy.

Having now, my Lords, thus answered some of the arguments of the noble Marquess with regard to colonial experience, I will turn to the Bill itself—and I do so with great curiosity, because I confess that, on reading the Bill, it struck me that its language was almost as vague—and I beg pardon of my noble Friend opposite (Earl Granville) for alluding to it in so uncomplimentary a manner—as the language of some of the Treaties which have been laid upon the Table. When I take up the Bill I say to myself

The Duke of Richmond

—“Is this a measure for secret voting, or is it not?” One part of the Bill declares that the voting shall be secret—that is to say, it recommends the voter before he deposits his paper in the box to fold it up in such a manner that no one can see which way he votes; but subsequent provisions of the Bill entirely destroy the idea that this is to be a system of secret voting. We find, for instance, that members of the Jewish persuasion who may be called upon to vote on a Saturday, because they have scruples about filling them up themselves, have the aid of the Returning Officer in filling up their voting papers. Going farther, we find that electors who are physically incapable of signing their papers may also go to the presiding officer and ask him to fill them up. Then there is another class—the illiterate voters—who take an oath, or declaration which has all the solemnity of an oath, that they are unable to read. These also are to have the assistance of the presiding officer in filling up their papers. Now, if the illiterate voter is to have this privilege, why should it be denied to the man who is just one shade above him in point of scholarship, who can read just a little, but who, for all practical purposes, is quite as illiterate as a man who makes a declaration that he cannot read at all? One argument of the advocates of the measure is that it will enable large numbers of the lower classes to vote; but I am inclined to doubt very much whether it will not have a directly contrary effect. There are a great many voters who are not able to make the declaration necessary for procuring assistance, who are nevertheless illiterate. What happened at the election of Guardians for the parish of Brighton in the present year? The number of papers issued to the rate-payers was 10,436. Of those the persons who collected the papers received only 7,389, of which 3,861 were valid, while no fewer than 3,528 were invalid by reason of having been improperly filled up. Now, if that was the result where voters could fill up their papers quietly at home, and could obtain such assistance as they pleased, what is likely to occur in the excitement, the turmoil, and the hurry of a contested election, and with no assistance at hand. Will these persons be able to fill up their voting paper with an approach to accuracy?

It is clear to me they will fail to do so. I do not find any fault with those provisions of the Bill which permit voters who are illiterate or physically incapacitated to seek assistance from the Returning Officer in filling up the papers, for I think it is perfectly right and fair that everybody should have an opportunity of voting; but what I do complain of is, that other persons, who are proud of giving their votes, should not be allowed to vote in public, instead of being compelled to make use of this secret machinery, to which during the passage of the Bill through the House of Commons Her Majesty's Government attempted to append very serious penalties. I quite agree with what was said by the Prime Minister on this subject—

"Now, what is the Ballot? We say, popularly, it is a Bill to establish a mode of secret voting. What does that mean? Much advantage is taken of that expression, and it is said votes ought not to be given in the dark, and men ought not to be ashamed of making known what they do. I quite agree with that. Probably there is no man in this room whose vote will not be as well known as if the Ballot had not become law. I have no doubt your vote and mine will be just as well known when the Ballot becomes law as it is now. We mean by the Ballot, protection for the weak. We mean to put it into the power of the voter to vote secretly if he likes. He will be the best judge of that. He will be the best judge of the interests that weigh him. He will be the best judge whether other people will not interfere with the freedom of his votes. . . . He himself must be the best judge whether he needs protection. Where he needs protection, the Ballot would give it to him, and where he does not there will be no secrecy, and his vote will be pretty much as well known as his vote is now."

That is from a speech delivered at Wakefield and reported in *The Times* of the 6th of September, 1871. Of course, I am not prepared to say that since that time the Prime Minister's opinions have not changed; everybody is liable to change his opinion; but I think that here the period is somewhat short for such a change. However, such was the opinion of the Prime Minister last September, and since then the Bill has been introduced into and has passed through the other House. And what was the conduct of the Government during its passage through the House in the present Session? The hon. Member for Huddersfield (Mr. Leatham) proposed and carried an Amendment making it a penal offence, involving imprisonment for not more than two years, for any man to hold and act upon the opinion

which the Prime Minister held in September. It is a monstrous thing that persons who have not changed their opinions since last September should be liable to penal servitude on that account. But if penal servitude is necessary to carry out the measure properly, surely, it ought to have been made one of the provisions of the Bill when the Government introduced it into the other House. If it was not necessary, the Government were not justified in voting for it afterwards; and they cannot escape from the horns of that dilemma.

And now, my Lords, I come to consider what is the course which I shall adopt on the present occasion. There are two courses which appear to me to be open to us. The first, and one which commends itself to the opinions of many on constitutional grounds, is that this Bill ought not to be passed. I am quite ready to admit there is great force in the argument that the country has not yet had an opportunity of deciding whether the Ballot shall be adopted for Parliamentary and municipal elections; that at the last election a majority of the present Ministry were opposed to the measure; and that only about one-fifth of the Members returned to the House of Commons were pledged to the Ballot—although the noble Marquess spoke of a larger proportion. But at the same time I cannot disguise from myself the fact that the measure has now been brought under your Lordships' consideration for the second time; that it has on both occasions been passed by large majorities in the other House; and that it is brought forward with all the authority and power which attend a measure introduced by the Government. I cannot but feel that, if the measure is now rejected, the apathy which now exists in the country on the subject might give way to an excited and exaggerated tone of feeling in which all the bad parts of the Bill would be forgotten. I cannot but feel that with such a subject in the hands of those who are both unscrupulous and apt at agitation, such a feeling might be excited throughout the country as might lead to serious—even to disastrous consequences. My Lords, I cannot also disguise the fact that if there is considerable apathy among the supporters of the measure, there is to a great extent apathy among its opponents, and that the majority of those Members returned

to the House of Commons since the last Session of Parliament have been favourable to the measure. Therefore, although disliking the Bill and thinking it an extremely bad one in its present form, I have reluctantly come to the conclusion that it would not be advisable to oppose the second reading. But after it has been read a second time, I shall be prepared in Committee to propose Amendments which will remove all doubt that the secrecy is to be of an optional and not of a compulsory character, and to introduce clauses which at all events commended themselves to the opinion of Mr. Bright in 1870, for providing a scrutiny, so that there may be power to trace a vote that has been given wrongfully or corruptly. By making these Amendments we may remove many of the objections which attach to this Bill; we may devise the means of protecting the weak voter without unduly injuring or interfering with the rights of others, and we may devise the means of detecting and punishing corruption and fraud; at the same time we may provide the means of removing some of those evils which experience teaches us invariably attend the adoption by an old country like this of a system of secret and irresponsible voting.

THE EARL OF SHAFTESBURY: My Lords, will your Lordships allow me to address a few words to you on the present occasion? So strongly do I feel on the subject that if this were the last speech I had to make I should rejoice at the opportunity of delivering it. I fully sympathize with my noble Friend who has moved the rejection of the Bill; I enter into the force of all his arguments; I share all his apprehensions; I admire his courage, but, at the same time, I think the noble Duke (the Duke of Richmond) has spoken words of wisdom when he counselled us to give a second reading to this Bill—not out of admiration for the Ballot, but in deference to the House of Commons and to the great constitutional question involved. Your Lordships may not agree with the view I take; but I think the Reform Act of 1867 altered the relation of the two Houses. Before the suffrage was so widely extended, it was very well—as I stated at the time—that the House of Lords should act upon a restrictive principle, and control the House of Commons, acting also upon a restricted principle; but when the House of Commons, returned as it was

The Duke of Richmond

on a wider basis, and by virtue of almost universal suffrage, spoke absolutely the will of the country, I think your Lordships were placed in a very different position. No doubt it is your duty now, as it would be on all occasions, should such be your conscientious judgment, to throw out any detrimental measure which might come to you from the other House, in order to give that House and the country ample time to re-consider it; but this Bill was, in fact, thrown out last year, virtually, if not formally, with a view to its re-consideration by the country on its merits; and the country, having now had the matter before them for ten months, it is perfectly quiescent, and the Bill is again sent up to this House.

My Lords, I have no doubt there is a considerable body of people in the country decidedly hostile to the Bill; there is no doubt another very much larger body totally indifferent to it; and I think that if there could be a fair and honest *plébiscite*, and if the votes could be collected from house to house without the voters having any personal trouble to record them, I have no doubt the Bill would be rejected by an overwhelming majority. If, however, the people of this country will be so apathetic and indolent that they will not come forward in defence of their own liberties and of the Constitution under which they live, they must take the consequences of their apathy—this House can then only look to the recorded majorities of the House of Commons during the two last Sessions of Parliament, and rule its own conduct accordingly. But, although we may not deem it necessary to oppose the second reading of the Bill, we are, at all events, bound to call the attention of the country to the principles involved in it, and the serious effect which they must produce upon the character of this nation. The Bill is propounded to us as one for secret voting; and I hope I shall not give offence by expressing my own conviction that such a proposition seems to inflict on the country a direct dishonour—it bears the air and appearance of being—I do not say it is—an open avowal of cowardice and corruption. It seems, moreover, to carry the air—I am sure such was not the intention of its authors—that while the proceedings are conducted in secrecy, there should be a full indulgence, with impunity, to bribery

and falsehood. My Lords, we are called upon to make very considerable changes. I do not enter upon an examination of the machinery which the noble Marquess the President of the Council has described—the ballot boxes, the nomination day proceedings, and all other points which, in comparison with the principles of the Bill, are almost trumpery—I would look at the great moral and political consequences of the measure, which the noble Marquess altogether overlooked. The first change we are called upon to make is, I hold, a most important one. The Bill seems to disturb the relations which have hitherto existed, and which ought to exist, between the electors and the elected. My Lords, I sat for 26 years in the House of Commons and represented several constituencies. I always found there was a mutual understanding between the electors and the elected, that if the elected did his duty, he would not be cashiered or sent to the right about without at least, on the part of the electors, a full statement of the reasons for his dismissal. You disturb that by this Bill altogether. You leave the responsibility on one side and take away all responsibility from the other. This novelty will tend to frequent and capricious changes of Representatives, and so speedily disgust the best men in the country with Parliamentary services. Again, everything henceforward is to have the stamp of secrecy. Hitherto, in this country the discharge of duty of every kind is public; but now, by the future law of the land, voting, which is one of its highest duties, is to be a secret transaction. I have heard all sorts of weak denials of the assertion; take but one. It is said juries vote in secret; but juries are supposed to be unanimous, and, therefore, the vote of the 12 is the vote of every one, and it is quite of recent date that Judges have taken upon themselves to relieve juries from giving a verdict because they are not unanimous. For what purpose are we going to make this change? There are but two issues for consideration in the measure before us, and these are, the one to prevent intimidation, and the other to prevent bribery. My Lords, it is impossible to speak in language too strong—I would say, even if approaching to execration—of everything in the shape of intimidation and bribery. It is a positive sin—and it is more than a crime—for

anyone to interfere with the rightful exercise of the vote—the great privilege entrusted to the citizen; and I will go to any extent in the imposition of penalties or the infliction of disgrace on those who are guilty of thus interfering with the electoral privilege. But I think, my Lords, the course you are called upon to take will be altogether ineffectual. In the case of intimidation the Ballot will be ineffective; in bribery it will be mischievous also. Take, first, the case of intimidation. Intimidation has existed no doubt—it has prevailed at various times and been productive of very great abuses—but will any man say that intimidation is now carried on to such an extent in any one department of our social existence as to justify you in coming to the conclusion to subvert the whole Parliamentary system, and introduce a new and vicious principle into the conduct of affairs? There may be a case of intimidation here and there, but the cases are so few they are not worth recording, to the extent, I mean, of founding on them a new legislative action. Is it not a fact—will any man gainsay it—that the people are too enlightened, the employers are too prudent, and public opinion is too strong for the continued exercise of such an abuse? All testimony is against it. My Lords, I took the trouble last year to make very extensive inquiries as to the system of intimidation alleged to prevail, and the feeling of the people as to the necessary protection against it, and I have here returns sent to me from some of the more populous districts. One says, under date June 28, 1871—

“The majority of those who think for themselves, and whose opinion is worth having, are decidedly opposed to the system of secret voting; while many of them are quite indifferent about the matter.”

Very well. If these people thus think for themselves—men perfectly capable of so doing, why is the House of Commons to interfere and think for them? Leave them alone; they know best whether they are oppressed or not. Listen to another report—

“Very many of the working classes who are ardent supporters of ‘vote by ballot’ do not advocate it on account of themselves or their fellow-workmen, because, say they, ‘Our right of voting has never been interfered with by our employers; we support the Ballot because the aristocracy and the landowners drive their tenants

to the voting-booth as bullocks are driven to the slaughterhouse."

I think I may leave it to your Lordships to say how far that is a veracious statement. Talk of influencing farmers by coercion to give their votes! Does any man of sense for a moment dream of such a thing? And as to influencing the peasantry wholesale, why, very few of them have votes, and if they had, such a growing spirit of independence exists among them that the attempt to interfere with them would be regarded as an outrage. No, no; the only argument left in favour of the Ballot is that it will suppress the intimidation of mob acting upon mob—the mob will be protected against the mob, the people against the people. But if that be so, what opinion do those who use that argument entertain of the condition of the people? We are indebted for this position to a distinguished Gentleman, a Member of the other House, who averred that he had great experience of "The Nottingham Lambs" and "Waterford Kids." It is perfectly true that these excesses may occur, and that some protection is necessary against them; but not that which this Bill proposes. Such excesses we find occurred in the history of ancient Rome and in modern America. When party feeling runs high, when perhaps there is something to be gained or something to be lost—I speak not of quiet times when self-interest is asleep—then there is the greatest excitement and evil consequences ensue. But to show how little the Ballot will control intimidation where there is a determination by one party to carry the victory, I will mention a case or two. Here are the statements, and to control such things your Ballot must be omnipotent. The cases I quote are cases in which the argument is far stronger for polling papers than for secret voting. The attack with us, as with them, will be wholesale; houses, districts, entire localities, will be invaded, pillaged, perhaps, set on fire. Suspicion will be as good as proof, and party or personal feeling will break out into violent conflict—what will secrecy avail here? In 1834 there was an election in Philadelphia.

"Several houses were burnt to the ground. The inmates were compelled to escape for their lives. More, we fear, than one life is lost. The firemen were driven from the ground, and several of them injured by the Tory party."

The Earl of Shaftesbury

I take the next extract from *The Times*. In 1868 there was another election—

"Numerous fights have occurred, and several persons have been shot. In one place the poll was closed by a row, and in another by an—of course—accidental conflagration,"

In 1871 there was an election for coroner—for a coroner. Nothing, you see, comes amiss for a fight—

"The mob broke in the door, rushed into the room, led by Mr. Sieras. They captured the platform, forced the officers to retire, and nominated their man for coroner, and then, as a matter of course, took a drink on the platform out of the whisky bottle."

What can the Ballot do, I ask again, to repress the like of this? Again, I take this from *The Times*, 1871—

"Election in New York.—To preserve order four regiments of troops, and extra policemen, are to be on duty in New York City, prepared for any emergency."

Here is a perfect catena of riots. But now let us come to the question of bribery. This, I freely confess, is of far more consequence, and I do not wonder at the zeal and indignation manifested, and the determination to put it down. And yet almost every speaker is doubtful whether secrecy is an antidote to corruption. But for this purpose I believe the Ballot will be completely ineffective. In the first place, let me call your Lordships' attention to this fact—that formerly bribery was much more prevalent than it now is, and that it was then regarded far more as a venial offence. Now, things are very much changed. Last year, Mr. Cross, in a very able speech in the House of Commons, showed indisputably that bribery was diminishing. He said that in 1852 there were 75 Petitions against Members returned on the ground of bribery, and 30 were unseated; whereas in 1868 there were 73 Petitions and only 17 Members unseated, while the Petitions were tried under the new system by the Judges, and not by the old form of Select Committees. Is it not clear that it is publicity which has produced that result, for does not publicity take the place of conscience with the vast majority of mankind?—and if you take away publicity you will give a new and uncheckable career to bribery—for by doing away with publicity you do not remove the motives for offering bribes or receiving bribes; you do not remove the feeling of ambition which induces persons to enter Parliament,

because they thereby gain a position in society, or the passion of self-interest which induces others to take bribes under the conviction that they are a just means of providing for themselves or their families. But it is said that you take away the certainty of any briber receiving a return for his bribe; and that no man will give away his money unless he is sure of getting an equivalent for it. Is that so, however? Is it not the case that in commercial transactions men risk large sums of money in speculations, and that in gambling men hazard great stakes without any certainty of winning? You will simply increase the gambling spirit, and reduce elections to the level of dice-playing or horse-racing. In reading the *Life of Bacon*, by Mr. Basil Montagu, I notice that it was there stated, on that great man's authority, that in the French Courts in former times the suitors on both sides gave money to the Judges, though they knew very well that the decision could only be given in favour of one side. If you ransack all history, both ancient and modern, you will never find that secret voting has got rid of bribery. My Lords, it is a serious loss to the argument we maintain, that we are shut out almost entirely from the quotation of the Roman writers—from Cicero and Pliny, and from the cogent and unanswerable comments on them by Montesquieu, Gibbon, and others. We are shut out because people (I am disposed to think) who feel the force of the quotations, assert them to be pedantic, and inapplicable. But, despite their objections, I must cite a passage from that most admirable and instructive work, *The History of the Romans under the Empire*, by Dr. Merivale, the present Dean of Ely. He says—

"The favour of the people was sought and gained by profuse largesses; the means of seduction allowed by law, such as the covert bribery of shows and festivals, were used openly and boldly; while the others, which were expressly interdicted, such as the direct proffer of money, were practised not less lavishly in the polling-booths, where the restraint of the Ballot was wholly ineffectual."

Mark those emphatic words, "the restraint of the Ballot ineffectual." And, my Lords, in my own researches a few years ago, I found that while in many centuries preceding the introduction of the Ballot into Rome there was mention but of two laws against the crime of

bribery, there were in the 40 years that followed it, decrees and enactments to be numbered by scores in vain efforts at repression. And is our experience less as to the operation of the Ballot in the United States? Where do you hear of such profligacy, recklessness, and barefaced corruption as in their elections of every kind? Is it only foreigners who say this of them? Why, my Lords, read their own—their native testimony, read all that is said by their own correspondents and their own journals, read especially *The North American Review*, the highest and worthiest of their periodicals, for October, 1866, with the later elegancies of the *Erie Ring*, and then, I think, your hair will stand on end. But if Ballot be ineffective to put down bribery, Ballot will be very effective to increase it. Under the Ballot the briber and bribee will have every facility. You give impossibility of detection to the extent, at least of legal proof, and you hold out to covetous spirits to do that in secret they would have never dared to do openly. Your legislation will have no moral power. You will not make candidates more scrupulous or electors more pure. You will leave unchanged and in full force, both on one side and the other, all the lowest mercenary passions, with complete impunity for their free exercise. "Who will know it," says Pliny, in one of his beautiful letters, "is the main consideration of a great portion of mankind." Before we go further we have a right to inquire what is the character of the franchise thus committed to the people, and which we are called on to protect? Is it a trust? Many people are angry that it should be so regarded, probably because they know that a trust must be exercised openly. Is it a privilege? If so, then it should equally be exercised in open day. Your Lordships and the House of Commons have the privilege of conducting your debates if you so choose with closed doors, and of concealing the names and numbers of your divisions; but would the public tolerate that your Lordships' proceedings should be transacted in secret? Some persons say that the franchise is a right. If so, then in some respects it becomes property, and may be sold. But if it be a right, I ask you on what principle you can refuse to give every man in the country that right? The argument that

the suffrage is a right therefore leads at once to universal suffrage, and that is the opinion of the Prime Minister himself. We hear, my Lords, contradictory assertions on the action of the Ballot. Some say that it will be really secret; some that it will be no such thing. It is of small importance to the argument. I have no doubt of the belief that will prevail in every one's mind who has a purpose to serve. He will believe secrecy to be possible in his own particular case, and will act accordingly. Now, my Lords, there are very grave political and moral considerations connected with this vote by Ballot. It is a serious political consideration how far the Ballot is consistent with the institutions under which we live. Many years ago the distinguished American statesman, Daniel Webster, said to me on the night he quitted England never to return, in the course of some serious conversation respecting this country—

"Above all things, resist to the very last the introduction of the Ballot; for, as a Republican, I tell you that the Ballot can never co-exist with Monarchical institutions."

I give your Lordships the words of that great statesman, but I cannot represent his manner, or the degree in which he was moved while speaking to me. He said to me—

"You have a Monarchy and we a Republic; both good in their way, if adapted to the genius and feelings of the people. America has the deepest interest in the welfare of England, and I tell you that it would be the greatest blow to real freedom were anything done to degrade your ancient Monarchy from its present position."

Here is the weighty counsel of friendship and experience. I am, certain, moreover, that under the Ballot many Members would be returned to Parliament who never would be returned under an open system of voting. And even were the same men returned, they would be returned under new conditions and for new purposes. If the Ballot should be established agitators would go round to every house in the country and persuade the people to vote for special candidates, by saying that if they got into Parliament not only that the taxes and rates should be reduced—that argument is legitimate enough—but hinting also, that by a little legislative arrangement there might be a better and a fairer distribution of all kinds of property. There are many in this class, and religious men to boot, who hold that some are

too rich, and some are too poor; and, although they would shrink from any violent procedure, they would have no scruple to redress the balance by the weight of legislation. And yet they would never avow it by an open vote. Why, my Lords, in the agricultural districts of this country, when the peasantry shall have received the suffrage—which as matters stand they ought to—agitators will go amongst them and say to them—"Only vote for Mr. So-and-so, and the house in which you live shall be your own." My Lords, you—most of you—are living with your people on the happiest terms; yet the tempting conclusion will be unceasingly urged, and the cottager will stifle his conscience by saying to himself—"After all, I leave my Lord his acres, and the loss of this small dwelling-place will do him no harm." Again, my Lords, I object against this new system that it would place irresponsible power in the hands of those who are as yet, at least, most unfitted to discharge the duties attached to it. If given at all it should be confided only to the highest order of political virtue. Again, I object to it because you are taking away from the great mass of the voters and all the working people the noble sentiment of public responsibility. I have gone among the working people for some 40 years, and the sentiment which I always found most elevating and to which they responded most heartily was when I told them that they were responsible beings—responsible to God and man—and that they ought to be proud to discharge that responsibility in the eye of day and in the face of the whole community. That generous sense of responsibility you are now going to take away—you are going to do that which will enable a man, and indeed, by your compulsory system, force a man, like a creeping animal, to slink away with his tail between his legs; and just at a time when men are rising to a sense of their dignity, you are going to insist they shall not declare their sentiments, and are not to discharge their duty in the face of the whole community. I object to the Bill, again, because I believe you are not aware—many people are not aware—that there is no middle place between Monarchy and a Republic. I have met men who by a Republic mean a Government consisting of the best men

The Earl of Shaftesbury

of the nation and of all that is great and good. But under the Ballot you will have nothing of the kind. When you go away from Monarchy—and from Monarchy you must go away under the Ballot—it is not to a Republic of that kind you will come, but to a Democracy, and that too when you have upset the moral sense of half your people by your system of secrecy. Then, the social objections to the Ballot are very great. Many men will pass their lives under suspicion, for the honestest can never prove that he has acted up to his declaration, and you will thus keep back from the poll the best of the electors, who will rather lose their vote than be subject to doubt and misrepresentation. But look last to the moral considerations. We are going to introduce a system of secret voting—to hold out to the people opportunities and facilities for bribery and corruption of all kinds. Even the advocates of the measure are perfectly aware that it must involve very serious consequences of that kind. The evidence taken before the House of Commons' Committee, while containing much in favour of the Ballot, contained also much against it. Its very advocates admitted that evasion would become very general, and one in his evidence before the Committee said he did not know whether lying would not very much increase under it; and then he proceeded to justify it if it did. On what a sea of contention we may be launched under such a principle! If a new system be introduced, and people are compelled to adapt themselves to it, they will speedily learn to fashion their morality to suit it. With regard to the morality of the Ballot, there are two strong opinions to that effect. Mr. Randolph, the great American statesman, in a conversation with the Rev. Sidney Smith, which is recorded in the latter's pamphlet on the Ballot, said—"The Ballot either finds a man a scoundrel, or it makes him one." Then, there is another opinion which is much to the same effect. The Communal Delegation of the First Arrondissement in Paris under the Commune demanded open voting, because it held secret voting to be immoral. There was a remarkable controversy on this subject in 1839, when Lord Macaulay—then Mr. Macaulay—supported the question, and I quote his opinion in order to show the dangers which may arise to

morality from the Ballot. Macaulay was, no doubt, a very great and, I am sure, a very good man; but, at the same time, we must say of him, as Dr. Johnson said of himself—"No man talks at times more laxly than I do." I think your Lordships will say when I read this extract that no man wrote more laxly at times or talked more laxly than Macaulay. In his speech in 1839 in the House of Commons Macaulay, thus defended the right of voters to deny how they voted—

"All present knew that many dishonest votes were given, but let a system of secrecy in voting be introduced, and they would have honest votes, although the parties might afterwards deny that they had given them. . . . In short, if the voters could not at once keep faith with their country and with their corruptors, he was one that wished that we should have a system by which their faith might be kept to their country and broken to their corruptors."—[3 *Hansard*, xlviii. 473-4.]

and many other like things. Hence *The Times* of the day, the 27th of December, 1839, remarks—

"Mr. Macaulay's data and conclusions are, in point of immorality, almost unprecedented, and utterly incompatible with Christian principle of any kind."

And Lord John Russell rebuked his right hon. Friend for "palliating dissimulation." Now, I mention these things in order to show that if this system be adopted, we should be entering upon a new system of morality as to when a vote may be avowed and when it may be denied. We shall have 10,000 cases of casuistry of all kinds, it will enter into the discharge of all our public functions, and in that case it will be necessary that we should have a clause enabling our new school boards to provide that the children shall be trained to the discernment of cases of conscience, so as to know when to tell a lie and when to tell the truth, when to be straightforward, and when to shuffle. My Lords, I have only one more point. Your Lordships will remember that prior to 1834, and for years afterwards, there was a system of voting in the French Chambers in which they used to begin with open voting and then submit the same question to the secret vote. Sometimes they began with secret voting and then went on to open voting; but the extraordinary part of it was—and I do urge this to show that men will do in secret what they will not dare to do publicly—it frequently happened

that in the course of half-an-hour a measure carried by a very large majority was thrown out by a majority still larger. Can you wonder, then, that the 4th of May, 1834, when the matter was propounded in the Chamber, the President, M. Dupin, said—

“There are mysteries which it is not given to penetrate. I have seen laws adopted, Article after Article, by open voting, and rejected by the secret Ballot. I have seen adopted by secret Ballot what would have been rejected by open voting.”

He afterwards adds (and no wonder)—

“The Ballot has mysteries of its own. It presents sometimes results which defy all calculation.”

Again, in 1845 another very distinguished Member of the French Chambers made a Motion that that system of secret and open voting should be got rid of—and mark his language, which is very applicable to the Ballot as proposed by my noble Friend. In 1845 M. Duvergier de Hauranne moved, in the Chamber of Deputies, to abolish the secret vote. Among many weighty arguments whereby he sustained his Motion, I select two or three—

“It is right,” said he, “that all should know on whom they can rely, and not be in perpetual fear of some of those mysterious acts of treachery which are effected under the mask of the secret Ballot. Is it not probable that on some pinching question a Deputy might vote against the Minister, and assure him the next morning that he had voted for him?”

He concludes—

“To no one should it be given to escape the vital, essential, and necessary conditions of political power—that of responsibility. Let us no longer try to cover the secret vote with the charming words of independence, impartiality, and conscience. These words are dear to us all; but I refuse to believe that, in order to be independent, impartial, and conscientious, it is necessary to conceal one's opinions or speak that which is contrary to truth.”

Give due weight to such testimony as this, and consider that if corruption and untruth could then prevail in the French Chambers among men of education and property, what will be the issue when secrecy is bestowed upon poor men who neither value nor know the difference between right and wrong, or between the suffrage as a high trust or a saleable commodity? Now, my Lords, very many of those who advocate the adoption of the Ballot regard it as a very great evil, and very many more, if they could speak the truth, would express the same opinion. It is very pos-

sible that the evil anticipated will not come to the surface all at once, and in all probability its pernicious effect will not be realized to its full extent until men's passions have been aroused by some extraordinary occasion and drive them to excess. In the present aspect of affairs I am prepared for the overthrow of many of our institutions. I am prepared to see the dissolution of the Church of England, torn as it is by internal dissension; I am prepared to see a vital attack made upon the House of Lords, hateful on account of its hereditary privileges; and I am prepared to tremble for the Monarchy itself, stripped as it is of its true supporters; but I am not prepared for an immoral people; I am not prepared to see the people exercising their highest rights and privileges in secret, refusing to come to the light “because their deeds are evil.”

EARL COWPER, who was very indistinctly heard, was understood to say that he did not think it necessary, after the announcement of the noble Duke (the Duke of Richmond) as to the course he intended to pursue, to detain their Lordships at any length. He thought, however, that it was time that some reply should be offered to the arguments urged against the Bill:—although he was bound to say that, with the exception of the speech of the noble Earl on the cross benches (Earl Grey) they had scarcely heard a single objection which had not been used over and over again. The noble Earl had argued that the present time was unsuited for proposing such a measure, considering the great constitutional changes that had recently taken place. But as to the present expediency of proposing an alteration in the mode of conducting elections so immediately upon great changes in the representative system, he (Earl Cowper) was of opinion that such a time was the most suited for proposing such further changes as might seem desirable. It was better that such proposals should be made at once, before men's minds had settled down into the new order of things, rather than wait, and then disturb the electoral system afresh. The noble Duke (the Duke of Richmond) had said this was a political agitation set afoot by the Government in order to fill their sails and keep the party together; but the fact was that this question was mooted by the Government immediately after the General

The Earl of Shaftesbury

Election, when certainly their sails did not want filling. A great part of the noble Duke's speech consisted of taunts against the Ministry and their supporters for having changed their opinions on this question; but that was a charge which might be brought against every prominent man on both sides of the House at some time or other, and on some question or other; but it was no argument against the measure. He would not pretend to follow the details of the eloquent speech which had just been delivered by the noble Earl opposite (the Earl of Shaftesbury); but he must be permitted to say that if the earnest tones and impassioned manner of that speech were deducted, there would be found little remaining but old arguments dressed in new language. As to the want of agitation in favour of the Ballot of which the noble Earl made so much, that was readily accounted for—when people are satisfied that a measure they desire must certainly pass they cease from agitation upon it. Had there been any uncertainty upon the matter, he was satisfied the agitation would have been vigorous and general. A great deal of unnecessary fear had been expressed that the Ballot would have a demoralizing effect; but no one had ever clearly stated how this would come about, or why the act of voting should necessarily be performed in public. The advantages the Ballot would confer upon a man, however, were great. He would be saved from all persecution, or loss of custom, by voting according to his convictions, and would become what he was not at present—master of his vote. As he believed the present Bill would secure these very desirable results, he should give his support to the second reading.

LORD RAVENSWORTH said, that he cordially supported the Amendment of the noble Earl (Earl Grey). In former days he had appeared before many constituencies, and had had the honour of a seat in the House of Commons for many years. In the days when he had to appeal to the suffrages of his constituents he had never shrunk from declaring his strong opinion against the system of secret voting, and he had found that those views were almost invariably received by those whom he addressed with applause. It could not, therefore, be expected that he should now shrink from avowing opinions which he had

never failed to avow for nearly 50 years, or that he should that evening acquiesce in the second reading of a Bill from the principle of which he so strongly differed. The noble Earl who had just sat down (Earl Cowper) had expressed his surprise that the noble Earl who had preceded him had not alluded to the intimidation practised in Galway and at other elections in Ireland. Did the noble Earl imagine that the system of secret voting such as was now proposed would cure intimidation of the character practised in Ireland? If he did, he would certainly be disappointed. It had often been asserted, and history had shown the assertion to be true, that the assistance of the confessional might be called in to aid the carrying out of political purposes in which the Roman Catholic priesthood were concerned. It had been declared by some of the priests, even so recently as the Galway election, that they would use the confessional to ascertain the fact as to the votes given by electors. He did not know how far that was true, but this he did know, that it would not be the first time that the secrets of the confessional had been made use of to serve a political purpose, and he had, therefore, little doubt that the same consequence would follow now if an attempt was made to conceal the votes of the Irish Roman Catholic electors by means of the Ballot, when it came to the question of how far it would serve the purposes of the Irish Roman Catholic priesthood to obtain the knowledge. He could not help feeling surprised that the noble Earl (the Earl of Shaftesbury), after the powerful and eloquent speech which he had delivered, could bring himself to acquiesce in the temporizing policy recommended by the noble Duke at the head of the party with whom he had the honour to act. For his own part he could not perceive the dangers which had been held out to them as a bugbear to prevent them from voting against this Bill. Now, was this really a Bill to compel secret voting, or did it leave the matter optional on the part of the voter? He did not see there was anything to prevent an elector from going into the booth and stating broadly whom he intended to vote for. The elector might, with perfect indifference, throw his paper into the box, and say—"I vote for such and such a person." ["Hear, hear!"] The noble Lords op-

posite cheered that, which showed that he was right in his interpretation of the Bill. But the ardent supporters of the Ballot in the other House of Parliament, the advanced Radicals, declared openly that without the provision of compulsory secrecy the Bill was altogether a sham and a delusion. If it was a sham and a delusion it ought not to pass; and if it compelled secrecy by heavy penalties the Bill would become simply an act of tyranny. He did not desire to repeat the old arguments which had for so many years been employed against the Ballot Bill, but he could not help referring to the character of being un-English, so properly and justly given to it by the late Lord Palmerston. It was un-English because it was opposed to the character of the whole of our institutions, whether political or social; it was un-English because it was at variance with that publicity which universally obtained in this country, and which was regarded, and justly regarded, as a main security of our institutions. Secrecy was inconsistent with the rights of the subject in every Court of Justice, from the highest to the lowest. Then why had this Bill been brought forward? The question appeared to him to have been seized upon as a rallying point now that the Liberal party had been brought into some difficulty and distress, and it had been forced on, as he firmly believed, against the desire of the majority of the educated classes in this country, and in spite of the feelings and conscientious opposition of the majority of their Lordships' House. Another reason which induced him to vote against the second reading of this Bill was the conviction that it would soon become so repugnant to the feelings of the community—that it would give rise to so much hypocrisy and fraud, that before long the tide of opposition would set strongly against it, and the House of Commons would be petitioned for its repeal. It was, therefore, right that those who opposed this Bill in principle should now have the courage to avow their convictions, and to vote against its second reading and he for one was grateful to the noble Earl on the cross benches for the opportunity which his Amendment afforded him to express his opinions, and he hoped their Lordships would not be deterred from expressing their opinion on this Bill,

Lord Ravensworth

though some degree of intimidation had been practised by the tumultuous meetings which had been held against their Lordships' House, and the threats that had been delivered if their Lordships presumed to vote against the opinion of the House of Commons in this matter. He regretted, however, to perceive that their Lordships were likely to pass the second reading of the Bill. The noble Marquess who introduced the Bill (the Marquess of Ripon) had alluded to the question of intimidation and coercion, but he had omitted to state, in respect to one particular evil, how the measure proposed to provide any remedy. For the great abuse of personation this Bill provided no remedy whatever. Yet in the maritime towns, this class of offence was extremely common. The seafaring men, who formed by far the largest portion of the inhabitants, were obliged by their profession to be constantly absent from their homes—their names appeared on the register, and as the elections always took place during the absence of a considerable portion of the constituency no pains had been wanting, even under the existing system, to supply their places by persons who assumed their names and voted in their stead. He spoke somewhat sensitively on this question of personation, having suffered from it himself in former days, when he became perfectly aware of how it was carried on. In consequence, he himself introduced a Bill into the House of Commons for the better prevention of personation; and that Bill having been taken up by the Government of the day and added to their own Electoral Bill, his clauses as to personation were inserted word for word into their Bill; and thus it happened that he was the author of those clauses for the protection of the purity of elections and for the prevention of personation which was now the law of the land. These clauses would be rendered perfectly nugatory if the Bill before their Lordships passed. The Bill, indeed, stamped personation as a fearful crime, declaring it, for the first time, to be a felony, and attaching heavy penalties to the commission of the offence; but it provided no means whatever of detection. The noble Duke had assured their Lordships that he was about to propose a remedy; he hoped it might prove successful; but still it would only be limited to one single point. He could

not help wondering that this Bill was supported by so large a section of the Liberal party. In former days *The Edinburgh Review* used to have some influence with that party, and in the volume for 1870 there was an article so well reasoned, so ably compelled—he might say so historical—that it ought almost to have prevented the Liberal party from bringing forward this measure. The article dealt with the Report of Lord Hartington's Committee on the subject of secret voting, and contained some very telling extracts from the evidence given before that Committee. One American gentleman described an election in which he took part, in which every precaution had been adopted to prevent tampering with the Ballot, yet he declared that fully as much intimidation had been practised as under an open system of voting, and that as to personation, there was “any quantity of it—an unlimited extent,” and that the corruption was “unbounded.” The Bill was one for establishing secret voting; how could their Lordships disregard testimony like that as to the effect of secret voting, given by an American gentleman, in spite of his attachment to the institutions of his own country? In another passage in the same article the opinions of Mr. Morse, also a distinguished American, were examined, and it was shown that the supposed secrecy of the Ballot did not cloak any appreciable number of the votes given at an election. There were two kinds of influence—legitimate and illegitimate. To every kind of illegitimate influence, whether in the shape of coercion, intimidation, or corruption, he was as strongly opposed as any of their Lordships, or as any advocate of the Ballot could be. But the influence of character and example—the influence which was acquired by free interchange of communication with the electors—not by hole and corner meetings, but by open, personal advocacy and argument in public, he believed to be a legitimate influence worthy of all approbation, and one their Lordships ought never to suppress or diminish in favour of any secret system whatever. He objected to the Bill because it afforded a screen for falsehood and hypocrisy, which none of the safeguards or contrivances in its clauses could effectually check or suppress.

THE EARL OF ROSEBERY: The opinion of the noble Lord who has just sat

down justly carries weight with it, not merely on account of his practical experience in Parliamentary elections, but because of his high character and great ability. His remarks, however, on the subject of personation are suited rather to the Committee stage than to the second reading; while any analogy sought to be established between the electoral system of this country and that of the United States must necessarily be fallacious, on account of the enormous numbers of the American constituencies and the vast area over which they extend. You are discussing after all not a Bill to remedy certain abuses of the electoral system, but a measure for upholding the purity and the sanctity of the electoral franchise. The question is not whether a voter shall vote secretly or not at his option, but as to whether or not we wish to obtain the honest and unbiassed opinion of the electors of this country. With much of what fell from the noble Lord who spoke last, I fully concur. If, indeed, the Ballot were only advocated on the ground of protecting the farmer, against his landlord it would not be necessary to disturb the existing machinery of the Constitution. I believe that against such intimidation you have a remedy far more efficacious than all the laws in the statute book—I mean public opinion. Look at what happened the other day in Scotland. Notice was given to a tenant that at the expiration of his lease it would not be renewed. Well, it was admitted, I believe, that the tenant had made a fortune out of the farm. It was not denied that the landlord had infringed no legal right, and was justified in choosing his own tenants. But because this notice from circumstances had the character of a political eviction, all Scotland rang from end to end with the case of Mr. Hope of Fentonbarns. This, I think, sufficiently shows that public opinion is sufficiently vigilant as to oppression on behalf of landlords. But you have other multifarious forms of oppression far more dangerous than this. What we desire protection against is the tyranny of the customers over the tradesman, and the tradesman over the customers; the tyranny of the tradesunion over the artisan; of the priesthood over the laity; of the physically strong over the physically weak; of the ignorant over the educated, of the mob over the individual. It is tyranny as between these

parties and persons against which it is our duty to legislate. But then "such legislation is un-English." That is a cry that is so easily raised that I wonder we do not hear it oftener. Let us vote openly and frankly, without shame and without reserve. It is better to vote openly with a broken head than to vote in sound health by Ballot. Let us have our old constitutional confusions and confusions. Let us continue to bandy about the good old British brick-bat, the good old constitutional cat, the truly English egg. The corruption of the eggs shows the purity of the system. I have the greatest respect for this argument. It is ancient, and it is historical. The first person who used it was Charles I.—a monarch for whose private character we may have veneration, but who can hardly be considered an authority on constitutional questions. But, again. Early in the present century a Bill was brought in to put down bull-baiting, bear-baiting, cock-fighting, and other national amusements. This Bill was opposed by an eminent statesman, Mr. Windham; and on what ground? Why, because legislation against such sports was un-English. The argument, however, was as unsuccessful as I hope it will be on the present occasion; and, I trust that, in spite of it, our present sports of voter-baiting, and voter-fighting, and voter-worrying may join the category of these abolished amusements; for, at present, it is not so much a rateable as a physical qualification which a voter needs for the exercise of the franchise. Then the Ballot will produce lying. This has always struck me as rather a far-fetched accusation. You might as well say that the Woolsack or the Order of the Garter produce political corruption. It is historically true that an eminent man was tempted to desert his party by the offer of the Great Seal. It is rumoured on excellent authority that the Garter has, if not gained over an enemy, at any rate secured a wavering vote. Yet neither the office nor the Order have suffered in consequence. It is quite true that the ballot-box may, as an accident, produce lying, but I deny that it is an inseparable accident. The truth is, that a man who will lie about his vote will lie about anything else, and that if you wish to remedy this you must introduce a measure of a much broader scope than the present, for it will be a Bill for the abo-

The Earl of Rosebery

lition and suppression of the corruption of human nature. But "the franchise is a public trust; a vote is a public responsibility? Now, I will not argue against this. I think the franchise is indeed a responsibility to the State. But does that make it necessary that it should be exercised in public? Are you really going to adopt this unbending principle that a public duty should be exercised in a public manner? Take some instances of what your argument leads to. Take the case of the Sovereign, who performs various important functions. If your Monarch were stoned whenever he left his palace, would you insist on his going to open Parliament as usual? Who, indeed, exercise the most important public trust in the State? Is it not the Ministry? Is theirs not a public trust, and a public responsibility? Yet the natural bearing of your doctrine would be that the Cabinet should sit in Hyde Park or in Trafalgar Square. Does not every father owe the most important public duty to the State? Is he not in possession of a most important public trust; the duty of bringing up his child to be a good citizen and a useful member of the State? Yet you would not hear your child his catechism in the street, or his *As in presenti* in Westminster Hall? It is hardly necessary to point out either that in this way you are subjecting the voter, on whom for a certain fitness you have conferred the privilege of the franchise, to the physical power of the person whom, I suppose for a certain unfitness, you have excluded from the franchise. To some this might seem an anomaly; but to you it is no such thing. You take pride in it. You stand by the polling-booth to watch the progress of the election; you see approach, hustled by a violent crowd, maimed, and stoned, and oppressed, the unfortunate British voter, or rather his remains, and you turn round to that intelligent foreigner, who is somehow always on the spot on these occasions, and you say—"There, see that. That is a sight, I am proud to say, which you will find nowhere in the world except in the United Kingdom." I maintain, on the other hand, that in this duty, as in almost all the higher duties of life, the voter who keeps within the boundary of the law is responsible to his conscience alone. But, on the other hand, I would enumerate

some of the advantages of the Ballot; advantages which have not, I think, been dwelt upon this evening, but to which you cannot shut your eyes. Take the question of expenses. If the Ballot be passed, canvassing and cajolement, and all the arts of corruption, will be rendered labour as vain, and impotent, and irritating, as the work of the treadmill. It is impossible to conceive a more dismal and desperate future than that of the canvasser and briber under this Act: the doubts which will harass him as to whether A voted as his conscience and his fee indicated; as to whether B, who took money and principles from him, did not also accept cash and convictions from the other side. I do not think that anyone will long continue so miserable a profession under such disadvantageous circumstances; although they may be like one of the witnesses in the Norwich Election Petition, who said that he did not wish "to assume a purity which does not belong to politics." Look at the expenses where the Ballot is in operation. The expenses of an election in Victoria, for instance, are absolutely insignificant. They bear the same relation to the expenses of an English election as the cost of a Roman triumph to the cost of an English triumph in Swift's famous lampoon. And, then, what a dearly bought triumph is the triumph of an English or Irish election! I remember an eminent Member of the House of Commons being returned for a considerable city. How did he spend the evening of that triumph? In decent revelry, in congratulating his committee, or in thanking his supporters? He spent it on the roof of a housetop, in fear of his life from the fury of the mob. Indeed, if the present system continues, it is clear that candidates will appear on the hustings in Ireland in the armour of the Middle Ages, and that voters on the approach of an election will take refuge in their cellars, like citizens during a bombardment. But not merely will the Ballot save you from the violence of present elections by making the vote secret, but it will also secure the constituencies by concealing the state of the poll till it be closed; thus preventing the mobs which gather on the present announcements, and the distribution of large sums towards the end of the poll when the contest is close. Then, again, it deprives the voter of all excuse for not

recording his vote. That seems to me a fact of crucial importance, if you wish to have a real and not a sham expression of the feeling of the country.

My Lords, the state of the House, if it does not show any great enthusiasm for, does not at any rate indicate any ardent opposition to the Bill. I will therefore, in conclusion, only deal with one last reason for delay, if not for rejection. The Ballot, we are told, is unpopular. Nobody agitates for it. The House of Lords was not attacked last year for rejecting it. This is a plausible argument which admits of a very simple refutation. Why does no one agitate in favour of the Ballot? Because it is not a cause which needs agitation—no one indeed agitates against it. Even Mr. Disraeli and Mr. Hardy on the recent occasions on which they have unfurled the Conservative banner have not mentioned the subject. Yet I cannot but believe that if the Ballot were the noxious and emasculating system which it is represented to be that we should have heard of it from them. But then if the Ballot is not unpopular, it is not popular we are told. Great meetings are not held, monster Petitions are not sent. But let us examine this. Would it be possible for the vast majority of dependents throughout the country to hold meetings in favour of the Ballot? Why, we should hardly need the Ballot if such meetings were possible. But then if we examine this again a little more closely we have to consider three things. One is that the party who most desire the Ballot—that is the weak or oppressed or threatened voter—is the last person who can agitate for it. Public agitation is worse than a public vote. The more the voter needs the Ballot the more he is physically timid or infirm, the more he is morally dependent and enslaved, the less likely is he to be in a position to petition or to agitate in favour of the Ballot. Then, secondly, we have that large class—very numerous and very influential—to whom this Bill will deal a deadly blow. From the pugilist of the nomination day to the "man in the moon" of election petitions they are opposed to the Bill. No man can fairly be expected to suppress his own occupation in life, and when the Bill is passed their occupation will be gone. Thirdly, we have the class again who are independent and do not care per-

sonally whether the Ballot be passed or not. It is no object to them: they can vote as they please; they perhaps rather like the ceremony of a public vote. Anyhow no great demonstration of feeling can be expected from them in favour of the Bill. So then, if we analyze this charge of indifference or unpopularity, we find that one class is from the nature of things indifferent to it, that another class is from the nature of things adverse to it, and that the third class, for whom the Bill is really intended, is from the nature of things sure to be quiescent. So do not let us delude ourselves into the belief that the want of frantic excitement about the Ballot is a sign of indifference or hostility. Nor can it be said, as was alleged last year, that the Session is too old to give birth to so alarming an offspring. I hope then, in the absence of such objections and the weakness of others, that your Lordships will readily consent to give a second reading to this Bill.

THE DUKE OF RUTLAND said, that, though he might not be permitted to say how he would vote, he supposed he might be permitted to say how he would not vote—and he certainly would not vote for this Bill. It was a Bill of Pains and Penalties, and nevertheless would fail in securing the object for which it was devised—secrecy of voting. His objections to the measure were entirely based on constitutional grounds, and had no reference to party considerations—for he did not believe it would have much effect one way or the other on the balance of political parties. The question really was, whether this Bill would be effectual to put down corruption and intimidation, and he was convinced you could no more put down dishonesty and unfair voting by legislative enactment than you could put down intemperance by similar means. In both cases you must trust to education, good example, and the influence of public opinion. These had already exercised a wholesome influence on elections, and if we would let them they would exercise a still further influence for good. He entertained the objection, in spite of the ridicule that had been thrown upon it, that the Bill was un-English—by that he meant that it was opposed to our feelings, habits, prejudices, and institutions. An Englishman was not used to concealing his opinion and his vote; and to adopt the

The Earl of Rosebery

Ballot was to tell Englishmen that the Legislature thought they should not openly avow their opinions. The fact that we had got rid of bull-baiting and cock-fighting, which used to be practised in England, was no reason why we should not continue open voting. He objected that John Smith, who had voted openly for 30 years, who might have been a Liberal all the time, and who might have been so disappointed with Liberal policy that he had changed his opinion and become a Conservative, should be compelled to record his Conservative vote in secrecy. Why were they to force upon the constituencies a system for which they had no desire? The noble Earl (the Earl of Shaftesbury) who spoke to-night with so much power, stated what he believed to be the fact, when he said that if the people of England were polled, there would be an enormous majority against the Bill. The only argument he had heard that night in favour of passing the Bill was that the House of Commons had now for the second time sent it up to their Lordships' House backed by considerable majorities, and that therefore their Lordships were bound to accept it. He dissented from that view. No one was more ready to admit than he was that if the House of Commons sent up any Bill Session after Session backed by the real opinions of the people of England, their Lordships would be acting unwisely if they set themselves against the opinion of the House of Commons and of the people of England. But he distinctly denied that the present was a case of that kind. In the first place, with regard to the House of Commons, how did the case stand? Last year the Conservative party did not divide against either the second or third reading of the Bill. This Session a division did take place on the second reading; and how many Members were present and voted on the question of the second reading of this great measure?—this great measure that the House of Commons has set its heart upon, and which the constituencies are determined to have. There are 658 Members of the House of Commons, and of these 658 only 160 voted on the question of the second reading. He was told that during one portion of the debate of the 18th of February only three Members were present—the Speaker, the orator, and the audi-

ence. He asked whether these things supported the contention that their Lordships were not to give a free, unbiassed, and unfettered opinion upon a great constitutional question, because the House of Commons were thoroughly in earnest about it? He was told that on the evening to which he referred there was an important debate in their Lordships' House to which the Members of the House of Commons were listening in the gallery. That, no doubt, was very flattering to the House of Lords, but it did not show much zeal for the Ballot. Even on the third reading of the Bill no more than 490 Members took part in the division—which was not at all a large proportion of the Members on a question which really interested the House. And that was not all—an hon. Member had declared in his place in the other House that if Gentlemen voted as they really and truly felt not 10 Members of the House of Commons would be found in favour of vote by Ballot. Were their Lordships, then, to give up their freedom for these 10 Members? With regard to the country, it was admitted to be in a state of apathy upon the question, and it was to give the constituencies an opportunity of saying what was really wished that he asked their Lordships to reject this Bill. The noble Duke (the Duke of Richmond) had said there were two courses—either to reject the Bill or amend it considerably. There was a third course—to pass it without amendment. He was decidedly opposed to secret voting, and therefore thought it would be a great evil and misfortune to the country if they were to adopt either of the last two courses. He was therefore prepared to vote for the rejection of the Bill. With regard to the second course—that they should pass the second reading, but amend the Bill so as to make it a kind of permissive instead of a compulsory Ballot Bill, he felt that would be neither one thing nor another—it would be regarded as a mere sham Ballot, and would satisfy no one; and their Lordships' House, having once pledged itself to the principle of the Ballot, would afterwards find it difficult to resist an extension of the principle. He therefore thought the only fair, open, and manly course would be to reject the Bill, which had been condemned by nearly every speaker who had addressed their Lordships; and if

they did so he believed they would gain the gratitude of the country.

LORD LYVEDEN said, he quite agreed with the noble Duke opposite (the Duke of Richmond) that the question of the Ballot in the Colonies was very different from the question of the Ballot in England, and that the voting for the Education Boards was a very different thing from voting at Parliamentary elections, and could not fairly be considered examples in point. They were like the analogy of voting in Clubs, quite inadmissible as examples. The cases were totally different in circumstances and could not be compared. The noble Marquess the President of the Council in introducing the Bill had gone over the old arguments. The noble Marquess, indeed, was the only Member of the Cabinet who could consistently support a Ballot Bill. Of the other Members of the Liberal party it might truly be said that "the more they looked at it the less they liked it," as the noble Duke quoted Mr. Fortescue. He did not believe that any of their Lordships were admirers of the Ballot, or that they wished the present Bill to pass, and yet it had only been argued by one noble Lord after another that they ought to pass it in deference to public opinion. The noble Duke opposite, for instance, had made a remarkable speech—there could not have been a better speech against the Ballot—but he entirely failed in his conclusion, for he ended his speech by saying that he should vote for the second reading of the Bill.

THE DUKE OF RICHMOND: Pardon me: I never said I should vote for the second reading of the Bill. What I said was that I should not vote against it.

LORD LYVEDEN said, that was as bad, and the noble Earl (the Earl of Shaftesbury) came to a nearly similar conclusion;—and, in point of fact, the debate had given rise to the most inconsequential speeches which he (Lord Lyveden) had ever heard—noble Lords declaring emphatically against a thing which they were practically supporting. The noble Duke proposed that the secrecy of the Ballot should be optional and not compulsory. But could any one suppose in voting in favour of a permissive Ballot that there was any chance of the Bill, if altered in that sense, being accepted by the House of Commons? Did it not make personation more easy? Why was it that they were

asked to pass the Bill? Because, it was argued, public opinion desired the Ballot. No doubt, when the public opinion was deliberately expressed through the House of Commons their Lordships could not resist it; but he maintained that the opinion of the public had not been declared in favour of the Ballot; and that when the House of Commons, which had not been elected on the question, had sat for four years, the House of Lords ought not to yield without a dissolution. In all large reforms that had been the rule—when any great constitutional change was sought to be made, there had always been a thorough appeal to the people. But no such test had been applied in reference to the Ballot question. What had happened since their Lordships had last voted upon this subject? Why, the noble Earl (the Earl of Shaftesbury) who moved the rejection of the Bill last year went shortly afterwards to Glasgow—one of the most democratic of constituencies—and where consequently he might be supposed liable to ill-treatment for his conduct in regard to that measure—but so far from that being the case he was fêted and lionized, and nothing was too good for him. - And what had happened since then? Why, all the elections that had taken place had gone against the supporters of the Ballot. There had been no expression of opinion on the part of the public in favour of the measure, and the Bill itself was a very different thing from what the public supposed a Ballot Bill to be. Fortunately the Amendments proposed by Mr. Leatham were not carried, though they were supported by the Government; but if they had been adopted the effect would have been to imprison any man who showed his voting paper; in fact, any man who held up his hand at a show of hands would subject himself to penal provisions. Then the Bill almost created personation; at all events, its provisions were of a character to make the offence a new crime. The fact was that the Government, having passed two sensational measures—the Irish Church Act and the Irish Land Act—had tried their hands at a third, which was to re-unite the Liberal party in a compact body, and enable Sir George Grey to row in the same boat with Sir Charles Dilke—*mitis sapientia Læli* restraining the *catilinæ gladius*. But the measure had not had that effect, and it

Lord Lyveden

never would have such an effect, because so many of the Liberal party were really against it, and the country was tired of it. They were no more united than the Opposition this night, or the bench of Bishops on some other occasions. He thought he ought to congratulate their Lordships on seeing them still upon the red benches of this House, for when they threw out the Bill last year the Radical newspapers all cried out that there must be an end of the House of Lords, for they were the only obstacles to Liberalism and progress. But he always found it the case that when the Radical party were at fault they always found an easy vent to their feelings in saying—"Oh! the Lords are responsible for this; if we could only get rid of them we should be all right." But their Lordships were still sitting where they used to sit, and without much notion of being disturbed. Indeed, he believed that, if the truth were spoken, the House of Lords had rather gained in popularity over the House of Commons. Holding the opinion he did as to the danger of the Ballot, thinking it opposed to the Constitution, and likely to have a mischievous effect on the character of the voters, he entreated their Lordships to reject the Bill. For himself, not seeing any other way of getting rid of it unless they rejected it at once, he should vote against the second reading.

THE EARL OF CARNARVON: I wish, my Lords, to offer a few observations upon the course which the discussion has taken this evening. Her Majesty's Government certainly cannot congratulate themselves upon the support which they have received from noble Lords who sit around them—they have received from one or two a rather lukewarm support, while from others who must be recognized as prominent Members of the Liberal party they have obtained very much less. Neither can I congratulate Her Majesty's Government upon the course which they have followed in this matter. This, according to their own avowal, is the great question of the Session—the question upon which Her Majesty's Government stake their reputation; and yet, with the exception of my noble Friend the President of the Council—and from him we have been favoured with only a very brief speech—we have not had any exposition of their views or

any statement of their opinions. We have had constant references to colonial practice, but my noble Friend the Secretary for the Colonies has not condescended to enlighten us on that point; and when noble Lords speak of the apathy of the public with regard to this question, I think it would be quite as true to say that there is just as much apathy on the Treasury Bench at this moment. [Earl GRANVILLE made an observation.] Perhaps my noble Friend the Leader of the Government in this House will be good enough to favour us with his views in the course of the evening. For my own part, I cannot conceive a more curious illustration of the feeling which prevails on this question than in the way in which it has been generally treated. Here is the question which a few years ago was avowed as one of the prime articles of the Radical faith. It is now with many Radicals a matter either of doubt or disbelief. In the case of most public questions, as discussion goes on the interest of the public generally grows. This, on the other hand, is a question as to which as it is discussed the public interest languishes more and more. This is not only the case in speeches, but in writing also. The interest seems absolutely to fail. There are very few writers, very few politicians on either side, who support the Ballot now in the way in which it was supported in the time of Mr. Grote. I dismiss entirely the argument as to intimidation, on which so great a strain has been laid. I believe that intimidation really exists nowhere, except possibly in a few places in Wales and Ireland. But in Ireland, at all events, does anybody believe that the Ballot will be a bulwark, except of the most feeble description, against the Confessional? On that point, a most remarkable statement was made the other day by one of the Irish Judges—a man, too, taken from the Liberal ranks, whose prejudices and sympathies were all in favour of Liberal measures. That statement well deserves the attention of your Lordships' House. Mr. Justice Keogh said—

"It had been reluctantly admitted by Mr. Bernard O'Flaherty, who was taken out of his bed to give the evidence, that Father Cohen had said that priests would use the Confessional under the Ballot Bill if necessary. But the Ballot Bill was not yet law, and Parliament was still sitting, and Ministers and the Legislature ought to know this avowal of Father Cohen."

I think, therefore, it is not unfitting that we should consider that avowal. But then, on the other hand, I see that this Bill is to pass, and I ask myself the reason why? My Lords, I can only suppose that it proceeds from some such cause as this—that Her Majesty's Government, who in former days were all individually pledged against this particular measure, have now, for some reason best known to themselves, revolved entirely on their own axis, and come to a totally opposite conclusion. I can account for it only on the supposition that from sheer weariness men at last abandon a cause which they long supported and take up another against which they had struggled in former days. Ten long years of wearisome struggle have at last worn out their resistance. But, my Lords—and this is my strongest argument against the whole of this measure—I am opposed to it because you know very little of the facts and nothing of the operation of this Ballot; what is alleged is conjectural, fancied party advantages are hoped for on either side, and men conceive that it cannot be so bad as it has been hitherto deemed. But wiser men cannot say in what way this Bill will turn out. Against these fancied advantages you have the strong argument of experience. And now what is that experience? My noble Friend (the Duke of Richmond), who made so able and telling a speech in the earlier part of the evening, said that unhappily he had given up references to classical times and practices, because it seemed to savour of pedantry. But if the experience of antiquity went for anything it went against the Ballot. The practice of Greece was that the secret vote should be used not merely in elections, but for offices. I presume Her Majesty's Government are not prepared to accept the principle that the Members of the Government are to ballot among themselves for the offices they are to hold? In Rome, on the other hand, the Ballot was denounced by the greatest and ablest of the Latin orators. It was the glory of the greatest of Roman orators that although the Ballot was in full force he was elected by acclamation by the Roman people, and that the Ballot was dispensed with on that occasion. My noble Friend has said that whereas for 400 years previous to the Ballot law coming into force at Rome there had been but one single

case of bribery, after it became law bribery cases multiplied by hundreds and thousands. My noble Friend might have gone a step further; because, if my memory does not deceive me, the law which enacted the use of the ballot in the election of magistrates was succeeded a few years afterwards by the law that the ballot should apply to the enactment and repeal of what we should call Parliamentary measures. In our case I do not say that we shall fall back on the system so graphically described by my noble Friend; but I do say that the one followed as the necessary consequence of the other. Allusion was frequently made this evening, as on former occasions, to colonial practice; and a correspondence with the Australian Governments which was laid, I believe, on the Table of both Houses, but certainly of the House of Commons, has been quoted. My answer to the argument derived from Australian practice is threefold. In the first place, the conditions of society and of government in the Australian Colonies are so wholly different from the conditions here that no safe or satisfactory analogy can be drawn from them. In the next place, as a matter of fact, the systems of ballot differ in the different Australian Colonies. And, lastly, I will go a step further, and say that this correspondence contains admissions on the part of the authorities of every one of those Australian Colonies which, if true, are fatal to the Ballot. There are five Australian Colonies, and I do not deny that my noble Friend the President of the Council may find arguments in favour of the Ballot in the despatches of all their Governors; but in those despatches and the statements annexed thereto from persons of great authority are admissions which are almost fatal to the Bill. Mr. Cowper, Prime Minister of New South Wales, the author of the Ballot Bill there, and who, if any man, is interested in showing its success, says:—"Personation is not put down." Either Mr. Cowper or some one else in the colony mentions the fact that the pencil has to be secured by red tape to prevent the voter taking it away. Lord Canterbury, Governor of Victoria, says—

"Desire of secrecy is entertained and acted on by a comparatively small portion of voters; and therefore immunity from bribery is attributable not to secret voting but some other cause."

The Earl of Carnarvon

That, if I remember rightly, substantiates the evidence which Mr. Verdon, no mean authority, gave some time ago before the Committee of the House of Commons. Sir James Fergusson, Governor of South Australia, writes—

"The system has not yet felt the strain of trial." "There is a great indifference in acquiring and in exercising the right of voting."

Coming to Tasmania, Mr. Du Cane says—

"The interest felt by the electoral body in the politics of the colony has of late years been a rapidly decreasing one. . . . If party spirit ran high, and a wealthy candidate were determined to spend money corruptly, the system of absolute secrecy in force here would not prevent his doing so, but would only tend to throw difficulty in the way of his subsequent detection."

Lastly, we have this remarkable statement from the acting Governor of Queensland, Mr. O'Connell—

"This system no doubt leads to personation, and more particularly where polling-places are at no great distance apart."

Is it fair, then, to treat this return as favourable to the operation of the Ballot in the Australian Colonies? I may be told that the system works well in other Colonies. Is the House aware, however, that in Canada for two successive years a Ballot Bill has been brought forward? Last year it was rejected by the Canadian House of Commons; and within the last few days that, or a similar Bill, was contemptuously rejected by 140 to 43—the whole House numbering only 190 Members, so that almost all voted. And yet Her Majesty's Government tells us the Ballot has succeeded in our Colonies. Then take the case of the United States—which has indeed been pretty well disposed of already, but as to which I wish to mention one or two additional facts which deserve attention. Whatever may be the merits of the Ballot in the United States, two things are quite clear—it is quite clear that the Ballot in the United States has not stopped violence and intimidation, and also that it has not stopped that which is almost a greater evil, the suspicion and accusations of foul play. As my noble Friend remarked, riots and faction fights admittedly occur under and in spite of the Ballot; and these things have been thought so serious that they have been referred to Committees by different State Legislatures. Read the Report of a Committee of the Maryland House of Assembly—I think

in 1857—and the Report of a similar Committee of the House of Assembly in Louisiana about the same date, and you will find violence and intimidation recognized as facts on which there is no dispute. As to foul play, a Committee of the House of Assembly of the State of New York reported in 1857 in these terms—

“The Ballot Bill fails to be a true reflection of the will of the people. . . . the inspector himself or by others putting in unauthorized ballots enough to outweigh those honestly deposited. So skilfully are these frauds perpetrated that the offenders are rarely detected.”

Next year another Committee sat on the same subject, and reported thus—

“Of late years fraud and simulation at the ballot-box have become enormous. No sane man will deny this.”

In 1868 a Committee was appointed by the House of Representatives, and their Report on New York election frauds is most instructive. The facts there stated are that in the Presidential election of 1868, thousands of aliens were enabled to vote—of course contrary to the law—while many hundreds of persons voted from two to about 40 times, under assumed names, and extensive frauds were committed with canvassing tickets, while names of non-existing persons were entered on the roll lists. One of the witnesses, John Clark, says—

“I voted at the last Presidential election. I voted five times at least in the several districts of the Eighth Ward. I was short of money at the time, and could not find any easier way of getting money.”

Cornelius Doherty says—

“I voted eight or nine times at the last Presidential election. I guess there were 20 or 22 in the gang; they all voted the same ticket; some of them voted 18 or 20 times.”

John Glennon says—

“I voted at the last Presidential election. Several of my friends came around saying that money could be made easy, and that no one would know anything about it. I voted eight or nine times.”

Lastly, out of an enormous list, Charles M’Carthy says—

“I voted at the last Presidential election in this city between seven and eight times in pretty nearly all the districts of the ward. I voted once in my own name, once in the name of Jeremiah Sullivan, once in the name of Charles O’Conner; the other names I do not recollect.”

These are undeniable facts, and such things we must expect in this country under a similar system. To sum up the whole question of the Ballot in the United States—first of all, the Bal-

lot differs in the different States. In Kentucky, at this moment, I believe there is no Ballot at all. In Virginia, till within a few years, there was no Ballot. Again, the Ballot in the United States is certainly not secret—a man votes according to ticket and according to colour. Moreover, it fails to secure immunity from the gross abuses which I have pointed out. While the operation of this measure is conjectural—and on these grounds I mainly object to it—there are some facts absolutely certain, and some results which are probable, which ought to make this House pause before they enter on so grave an experiment. In the first place, there can be no doubt that we are about to change in a very grave manner that which has been the system in England from time immemorial. We Englishmen, rightly or wrongly, have been taught to regard freedom and openness of speech and absolute publicity of action in all public matters not only as our inalienable right, but also as our imperative duty. This, for better, for worse, and, as far as I can judge, upon no arguments of any solid weight, you are now preparing to destroy. It is also certain that you come to an absurdity under this Bill if you push its principles to their fair logical conclusion. You say a man shall vote in secret and shall not disclose how he votes, and you proceed to inflict a penalty upon anybody who induces him to disclose this; yet you have not the courage to say you will punish the man himself if he discloses it. Why? Simply because you know that it is impracticable. Mr. Leatham is perfectly logical in his view, but it carries the whole thing to an absurdity. Again, the Bill is open to all the abuses and dangers of personation. There is no scrutiny in it: and without it your controlling power is at an end, and the election is in the hands of the Returning Officer. The Returning Officer may exercise the duties of his office fairly; but who will say suspicion will not be excited against him and that the gravest evils will not ensue in consequence? No one will deny that interest in public questions is on the decrease, and that it is difficult to get men to go to the poll. Will you find them more ready when they vote in secret and their friends are unable to see which way they vote? I beg the House will remember, in reference to this point, the extracts I

have read in which two Australian Governors declare that interest in public affairs was on the decline, and the number of voters was diminishing. The consequence, I believe, will be that the whole control of elections will pass into the hands of "wirepullers," who will contract at so much a head for the voters, and there will be an almost indefinite extension of bribery in one form or another. We are extremely likely to find as the consequence of this that the quality of the candidates will rather deteriorate than improve. Lastly, one further result will follow from it, and that will be the weakening of confidence in public men and public institutions, which will be dangerous, and which is the first indication of a breakdown of the machinery of Government itself. It is under these circumstances that I have to consider whether I should support the Amendment or abstain from voting and trust to the Amendments which the noble Duke (the Duke of Richmond) will submit in Committee. If anyone can give me a guarantee that the Amendments of the noble Duke will be satisfactory and will be carried, it will be another thing—there is no one in whom I have greater confidence than in the noble Duke; but I feel also very strongly that the principles of the Bill are such that they can hardly admit of qualifications which will render them desirable to my mind. I have already stated to the House some of the probable results of the Bill; but I do not believe that it is in the power of any man fully to predict them. I doubt extremely whether it will alter the distribution of the power between the two parties in the country; and sometimes I am inclined to think that the Liberal party, who have done so much to bring it about, will not find themselves favoured by its operation. In deference to the opinion of the noble Duke I shall abstain from voting on the present occasion; but I feel that the Bill is a crude, ill-digested, and ill-considered measure; I believe it to be ill-drawn, full of defects and omissions, and that it will fail to secure us against great frauds. I believe it to be a Bill that is illogical, and which it is feared to follow out to its own conclusion. I believe that it is full of snares, pitfalls, and delusions; I believe it to be opposed to the old English principles which we have long recognized—that public duty should be done in the face

of the sun, in the full blaze of public light, and with the consciousness that your fellow-citizens are concerned in your acts; and, lastly, I believe it to be capable of producing great evils, according as the accident of the future may determine.

THE EARL OF BELMORE said, he wished to state the course he intended to take with regard to the second reading of the Bill. He had latterly had a practical opportunity of seeing how the Ballot worked in New South Wales, and he was bound to say that rioting at elections, which had existed before its introduction, had been put a stop to. It might not, perhaps, be very easy to say why it was; but so it was. No doubt, in the Report of Sir Charles Cowper, the late Prime Minister of New South Wales, it was admitted the Ballot had not put an end to personation there; but, on the other hand, in a private communication he (the Earl of Belmore) had received from him, Sir Charles Cowper stated that it did not exist to a greater degree than before. The opinions of other Governors—Sir James Fergusson and Mr. Du Cane—had been quoted by the noble Marquess in favour of the Ballot; but it was right to say that they limited their views to the Ballot in Australia. There was one point which had been only very slightly alluded to, and that was the subject of scrutiny. In New South Wales the Ballot was absolutely secret, and there was no means of obtaining a scrutiny; whereas in Victoria—although the noble Duke (the Duke of Richmond) was in error in supposing that the Ballot was optional—there was very little secrecy about voting, and the scrutiny existed. Lord Canterbury, in his Report, gave it as his opinion that the Ballot which imposed a scrutiny was far superior to that which imposed none. Lord Canterbury, who was no mean authority, having for several years been Under Secretary of State for the Home Department, and who had consequently had considerable experience of our electoral system, said—

"In the first place, I would observe that although the instances in which a 'scrutiny' is demanded in this Colony are comparatively of rare occurrence, I cannot myself doubt that the system of ballot in operation here, which imposes no obstacle to such a 'scrutiny,' is far superior to any system under which a 'scrutiny,' or at least a complete 'scrutiny' is impossible. For

The Earl of Carnarvon

while I believe with the Chief Secretary that the security for secrecy which the law here intends to afford to the voter has not been practically diminished by the power of identification, which, under exceptional circumstances, and for a special purpose, it also provides, I believe (the experience on which I have formed this opinion has not, of course, been acquired in this Colony), that the inability to institute an efficient scrutiny after an election is closed is, in itself, a direct and may become a powerful incentive to the use of illegal means for procuring a colourable majority at the poll."

Lord Canterbury having gone on to point out that there was little desire for secrecy in practice; that immunity from bribery was not attributable to ballot, but to the general independent position of voters; and that Government had its full influence, and that the Ballot favoured no particular party, stated, as the general result—

"But I do believe that the existing system (of which the ballot is a part) under which votes are given and received here, has exercised a continuous and very valuable influence in maintaining order and tranquillity during contested elections."

But although he believed in the utility of the ballot in Australia, he (Lord Canterbury) did not wish his opinion pushed so far as to see it introduced into this country. It had been said that there was no analogy between the cases of Australia and of the United States. For his own part—although he (the Earl of Belmore) admitted that there was not a complete analogy—he could not admit that there was none at all. He was not enthusiastic in favour of the Ballot, and he did not believe the Bill would work miracles; yet, at the same time, he was not very much afraid of it. That being so, it might be asked why he was not content to leave well alone? He could not, however, avoid asking himself what the result of their Lordships' rejection of this Bill would be, and he felt perfectly certain that if they rejected it it would come up to them again. They might, perhaps, again reject it, but in the end it would be passed, and that being so, he did not think that such a barren victory as a rejection of the measure would tend to increase the prestige of their Lordships' House. If there were any doubt about the feeling of the country it might be different; but he could not admit that there was any doubt. He did not, of course, fail to perceive the force

of the arguments employed by those who objected to the principle of secret voting that it had not yet been pronounced on by the electors of the country; but still he entertained little doubt as to what the decision of the constituencies on that point would be, and he could not at the same time disguise from himself the fact that if this Bill were thrown out a very dangerous agitation would be commenced, and that the demand for the Ballot would be made a party cry. For the reasons he had stated he intended giving his vote for the second reading of the Bill.

THE EARL OF KIMBERLEY: My Lords, I am far from resting the case of the Government with regard to the Ballot upon the papers referred to by my noble Friend opposite (the Earl of Carnarvon); but if my noble Friend opposite had taken the trouble to read the despatch which I addressed to the Governors of these colonies whose reports he quoted, he would have seen that my object was not to make out a case for the Ballot, but to obtain such information as to its working in those colonies where it existed as was likely to be of service in dealing with the subject. When, however, I say that we do not rest our case upon those papers, I must also guard myself from admitting that my noble Friend opposite gave a fair account of their contents. These reports contain very full and fair and candid statements as to the respective systems. Nothing in the world is easier than to pick out from papers of this kind sentences here and there favourable to particular views; and as my noble Friend has pointed out just those particular passages that suit his purpose, I will trouble the House for a moment or two to listen to one or two passages that suit mine. It is a singular thing that, with one exception, my noble Friend quoted exclusively from the despatches of Governors. Now, I have a great respect for the distinguished men who leave this country to govern our colonies, but I nevertheless attach even more weight, in a matter of this kind, to the opinions of responsible Ministers practically acquainted with the working of the laws. Mr. Cowper's opinion with respect to personation is, I frankly admit, adverse to the Bill of the Government; but Mr. Cowper's opinion is not entirely opposed to the Ballot, for he says—

"I should be sorry to see any alteration in the law which would destroy the secrecy of the vote given by Ballot, the operation of which has been in various ways very beneficial."

Again, Mr. M'Culloch, Chief Secretary to the Colony of Victoria, says—"There is no doubt as to the satisfactory working of this system of voting in Victoria." The next passage with which I shall have to trouble your Lordships is from Mr. Du Cane, who, speaking of Tasmania, says—

"So far, then, as the maintenance of good order at elections is concerned, I must express my decided opinion that the Tasmanian system of taking votes at elections is a successful one. I have also, as I have observed above, no reason to suspect the existence at the present time of any system of bribery, undue influence, or personation of voters. I trust, however, to point out to your Lordship that the Tasmanian system of absolute secrecy, while securing to the voter the free exercise of his right of voting, and exercising an important influence in the maintenance of good order, by no means, in my opinion, renders the practice of bribery an impossible one when a candidate or his agents are disposed to resort to it."

The last extract with which I need trouble your Lordships is from the memorandum of Mr. Wilson, in which he says—"The Ballot has worked well in Tasmania." Therefore, you have evidence, and, as I think, satisfactory evidence, that the Ballot has worked well in New South Wales, Tasmania, and Victoria. I do not wish to push this argument too far, and I am perfectly willing to admit that the case of Australia differs very much from that of this country. But, on the other hand, I protest altogether against the doctrine that we ought to have brought the experience of Canada to bear upon this question, because the experience of Canada is the experience of open voting. Canada is an open-voting country, and affords us no experience on the subject of the Ballot. Then my noble Friend, passing from modern communities to the history of ancient Greece, hoped we were not about to apply their system of voting to the election of Members and of Ministries—upon which I will only say that, if the Ministers are chosen by lot as they were in Greece, it may have this agreeable effect—that my noble Friend and I may, perchance, find ourselves sitting in the same Cabinet. A great deal has been said about the declarations of particular Members of the Government, and especially of the Prime Minister. I have not at hand the particular pas-

The Earl of Kimberley

sages of the speeches of Mr. Gladstone; but I think it probable that his opinions may have been somewhat misunderstood. I infer from what has been stated that what my right hon. Friend said or meant was something to this effect—"You have established household suffrage in the towns, and it is not improbable that this may be extended to the counties; when that consummation is reached you will practically have universal suffrage throughout the country, and in the case of the large constituencies which will thus be created vote by Ballot will become almost a necessity." If that was what he said, I entirely concur in the opinion which he expressed, and it does not seem to me too large or extreme a view to take of the matter. It has been much pressed upon us that in this Bill no provision is made for the punishment of a man who discloses his vote if he chooses to do so. But therein lies a fallacy. A man after he has voted voluntarily communicating what he has done is a totally different thing from his showing his voting-paper while still in the booth, and thereby giving distinct and absolute proof of how he voted; but although to this act no special punishment is annexed, it would be a misdemeanour at law; and there is a very severe punishment denounced against all agents and officers who in any way procure the display of a voting-paper, or who seek to profit by any information thus obtained. In the United States the Ballot to a great extent is not secret, and a very vivid description was given by a noble Earl (the Earl of Shaftesbury) of the scenes of tumult which sometimes take place. I could not help thinking, however, that he must have been speaking of "caucus meetings" and "political platforms" rather than the ordinary elections, which in America are usually conducted without that violence which attends them in England. I confess that I thought more would have been said in the course of the debate about the probable effect of the Bill in Ireland. The whole working of our Parliamentary system as applied to Ireland is such that no man who thinks soberly on the subject, whatever side of the House he may sit upon, can help feeling anxious as to the results which any change may produce in that country; and if I thought that a change could possibly be for the

worse, I confess I should entertain very considerable apprehensions. But after the scenes which, as Lord Lieutenant, I witnessed—not with my own eyes, but of which I was fully cognizant—after the tumults which occurred, the transmission of troops from one part of the country to the other, the charges and counter charges brought by landlords and priests of intimidation and violence—after events such as the late election in Galway, I confess it would astonish me if any person could be found to assert that the Ballot was likely to bring about a worse condition of things. I think, on the contrary, it will tend to introduce a better state of things. One thing it must certainly do—it must go far to prevent the gross and monstrous system of open intimidation by mobs, which now so generally prevails. For while bribery is infamous, and personation is base, of all the vices of our Parliamentary system the very worst is the gross and open and violent intimidation by a mob, for it is opposed to the very essence of freedom of election. It does not even put on the pretence of virtue by acting in secret, as bribers and personators are bound to do, but acts in open and flagrant violation of the law. If, therefore, the Ballot tends in any degree to prevent this system of intimidation in Ireland, to that extent it affords a complete justification for the passing of this Bill. It is objected that it will facilitate the exercise of influence by priests over their flocks. I do not pretend to say it will prevent it, but I exceedingly doubt whether it will increase it. It may possibly enable the priest to get information as to somebody who is about to vote against his own views, in obedience to the dictates of his landlord;—but even if that were so, I do not think it a very sad result: and, on the whole, I conclude that this Bill is likely to work well in Ireland. As regards its effect in this country, I said last year, and I say again, that I have never been one of those who thought that the Ballot would be either so immensely beneficial or terribly ruinous as its extreme advocates or opponents imagine. I believe that it is a measure which, on the whole, it is desirable to pass, now that you have the very large constituencies which have been referred to. I had almost forgotten one argument of my noble Friend on the cross benches (Earl Grey), the assailant of this

Bill, who after his labours in the early part of the evening is now, I perceive, in a sound slumber. He always differs from anybody else, and he differs most of all from himself in successive years. My noble Friend—who I perceive is now listening to me—has a magnificent scheme in his head. My noble Friend has become much more Conservative in his views than the noble Lords who sit on the benches opposite; but, nevertheless, he has got in view some large measures of reform. He is one of those who believe that this generation is worse than its predecessor; and he describes all the melancholy results that follow from the degeneracy of Parliament, and foreshadows others yet to come. But he has also got a panacea—and this, singularly enough, consists in the adoption of much larger and much more sweeping changes. He probably thinks it a good thing to keep this Ballot Bill still in agitation, because if it is not passed now there will be a certain excitement in the country, a certain demand for reform, a certain amount of indignation excited against this House, and the two parties being stirred up, there will be a great opportunity of re-arranging the whole country, of putting an end to household suffrage, of introducing manhood suffrage—and woman suffrage, too, I suppose—of establishing electoral districts, and ultimately, I suppose, he would be willing to introduce the Ballot. The noble Earl's view is that if we make any change now, we shall deprive ourselves of the opportunity of making great and sweeping changes immediately afterwards. Now, I think it probable that we shall have to make changes from time to time; but while I am as little averse as any man to all necessary alterations, on the other hand I think there is such a thing as altering the Constitution too frequently, and that it may be desirable—to use a homely phrase—instead of having our carriage perpetually at the coachbuilders, to drive about in it and use it for a certain time. I hope that in the division which the noble Earl invites the number of his following will not be large. The noble Duke opposite stated very frankly and candidly his objections to the Bill; but he added that after the subject had been discussed for 40 years, and the Bill had been twice sent up from the House of Commons by large majorities, he

thought it would be unadvisable that their Lordships should refuse to read it a second time; and in that view I cordially join. My Lords, I am convinced that the time has arrived when it would be prudent for the House to pass the second reading. And as far as my opinion goes, I do not believe that the passing of this Bill will bring about a political revolution—I believe that its effects will be, on the whole, salutary, but infinitely less than many persons suppose.

THE MARQUESS OF SALISBURY: My Lords, I should be inexcusable if I detained your Lordships with any long argument upon a Bill the subject matter of which has been discussed *ad nauseam* both in this House and in the country. The argument upon which much of the discussion this evening has turned is founded on the experience of the working of the Ballot in our Australian Colonies and in Canada; but I may remark that whichever way you may please to decide, this argument is practically worthless for the object which the supporters of the measure have in view. It may be that the Ballot has succeeded in Australia—it may be that it has been cast out with contempt in Canada—and still the facts may not bear much on the manifold difficulties of the problem we have to solve in this country. In the colonies there are no great differences of fortune—there is no poverty—no great accumulated wealth on the one hand to induce the demagogue to raise up the lower classes of society against the upper, while there is nothing on the other hand to stimulate the poor man to seek in change some lot better than his own. All these things which are not true of the new country are true of the old; and whatever of the experience of the new country you may apply to the legislation of the old, you cannot apply it to the machinery of Government. In an old country problems of a different character have to be solved, and to old countries, alone ought we to look for a solution of them. Why is it that in the course of this discussion we have heard so little of the experience of foreign countries? The Ballot has been a great favourite of foreign countries. I believe that paragon of well-governed States the Kingdom of Greece has been remarkable for its assiduous cultivation of the Ballot. The same has been the case in Italy, France, and, I believe, Spain; and I am told

The Earl of Kimberley

that after every election in those favoured countries there always arises a discussion as to how much and by whom the electoral urns have been tampered with. I can give some testimony on the subject of personation under the Ballot. There is a certain Member of one of the Houses of Parliament—I will not say which—who has a large acquaintance abroad, and who informed me confidentially—and this is why I tell the fact to your Lordships—that it was his habit whenever he was present at an election abroad always to go in and vote in order to try whether he could do so, and that in no single instance had he failed in attaining his object. Now, it seems to me that if we are to judge by experience, we should turn our attention more to this foreign experience than to any other—because we, an old country, differ from the other old countries in this remarkable circumstance—that we alone have been able to preserve liberty and society without in any degree resorting to the instrumentality of despotism. We alone have done that, and we alone have cultivated open voting. We have been able to maintain our very peculiar institutions—in which authorities are perpetually clashing, and by which a merely theoretical politician would say that everything is perpetually in danger of going wrong—simply in consequence of this fact, that publicity has been the pervading spirit of our institutions. From top to bottom, in every kind of public duty, whatever its origin—whether it sprang from an Act of Parliament or from the tradition of ages—this thing is true—that our duties have been performed in the light of day, and that each man has been checked and prevented from extending his power so as to endanger the safety or hinder the working of the State by the constant criticism of his fellow men, who watch his every act. A noble Earl who spoke earlier in the debate with an ability which gives great promise of his future as an orator (the Earl of Rosebery) dealt with this question, and told us there were many other public duties which were not performed in public. He named only two, mentioning in the first place the deliberations of the Members of the Cabinet, who, he said, ought to deliberate in Hyde Park if every public duty were to be performed in public. Now, we do not object to the Members of the Cabinet talking over and preparing their measures in private,

nor do we object to voters consulting privately, nor to candidates talking over measures beforehand; but as the Cabinet has to perform all its acts in public so all the electors in the country ought to perform their duties in public. Another illustration given by the noble Earl was, I think, that every father was bound to educate his child, and that on our principles the child ought to be whipped in the streets publicly.

THE EARL OF ROSEBURY: What he said was, that publicity did not require that a father should have his child say his catechism in the streets.

THE MARQUESS OF SALISBURY: If it should ever be proposed in Parliament that a father should be required to take his child into a small box to teach him his catechism, and that he should be punished with six months' imprisonment if he discloses what catechism he has taught the child, I shall agree with the noble Earl. If the noble Earl had said this I should have thought there was some relevancy in his illustration. But, my Lords, I feel that it is trespassing on your indulgence to argue this question, for the truth is we are all agreed about it. The real question we have to discuss this evening is—"Why should not the House of Lords vote according to its opinion?" Last year the House did vote according to its opinion; why should it not do so again? I am told that the House of Commons has twice by large majorities decided on the measure, and that therefore it is our duty to pass it. That proposition has met with a just and indignant repudiation from the noble Earl who moved the Amendment (Earl Grey). If it be true that the House of Lords is a mere copying machine for the decrees of the House of Commons, the sooner its duties are remitted to that useful instrument the better. It is obvious that the object of the Constitution in providing two Houses was that there might be two opinions—it being the belief of those who had a share in founding the Constitution that two opinions were more valuable than one:—but if the second opinion is always to be the same as the first, it is clear that the second opinion will not be of much use. My Lords, I do not think that the argument deduced from the fact that the House of Commons has expressed its opinion has much relevancy to this subject:—for I draw the widest possible distinction between the

opinions of the House of Commons and the opinions of the Nation. Several of the speakers this evening have admitted what is the fact—namely, that neither this House nor any authority in this State or any other State can resist the deliberate and well-settled opinion of the Nation over which it rules. But that the House of Commons is the expression of the opinion of the Nation is a constitutional fiction which it is convenient for practical purposes to respect; but which is only literally true on certain occasions and on certain subjects. It is true literally when a question on which the House of Commons has been elected is under discussion—then it is undoubtedly true that the House of Commons represents the opinion of the Nation:—but when four years have gone by, and the memory of all the questions on which the House of Commons was elected has passed away, and when an obvious change has taken place in many opinions of the Government which the House of Commons was elected to support, the House of Commons represents only theoretically and not literally the opinions of the Nation. My Lords, I attach much importance to the fact which has been already alluded to in this debate—that this matter has never been before the constituencies at all. The Members of the Government are not the same as they were when they went to the country—they were then mainly non-Ballot politicians. Mr. Gladstone, whose name really was the name to which the electors looked, had up to that time voted against the Ballot, and had given no hint that his opinions were undergoing a change. Again, Mr. Chichester Fortescue, who was especially prominent at the last election, because the question of Ireland was the one problem with which the new Ministry was to deal, and he was the trusted instrument of the party which gained the majority—Mr. Chichester Fortescue not only by voluntarily expressing a solemn opinion, but by a solemn recantation, avowed his horror of the Ballot. Therefore, I maintain, the country has never had a fair opportunity of considering whether it likes the Ballot or not. Remember, my Lords, what a peculiar Constitution ours is. In other countries there is a Constitution which is above the hands of the Legislative Assembly, and which can only be altered by the Nation itself. If

we were living in America or Switzerland, before we touched anything which deeply concerned the election of the representative body we should have formally to consult the opinion of the people. We have no such institutions here—and I am glad we have not—but the absence of them imposes upon us informally the duty of carefully abstaining from altering the constitution of the representative body until those who elect its Members have had a chance of expressing an opinion on the change. It is evident that the greatest danger might on any other principle arise. The House of Commons might entirely change the suffrage on which it was elected, and transfer the power to a different class, or take the power to itself, as it did in the case of the Long Parliament, while the constituencies would have no chance of interfering; and it is precisely because there is no constitutional necessity as in other countries of appealing to the people, that the check of this House is so important in controlling the legislation of the House of Commons on subjects of this kind. So far from admitting that because it concerns elections to the House of Commons we ought to obey the behests of that House, I should say, on the contrary, it is rather our duty to regard ourselves in this matter as the agents of the Nation, and to see that the House of Commons, in thus tampering with the laws under which it was itself elected, has not transgressed the mandate it received. Only one word more—for I am haunted by a fear lest the noble and learned Lord on the Woolsack should become exhausted—I wish to say one word with respect to the slight difference of detail which exists between some of us and my noble Friend near me (the Duke of Richmond). My noble Friend proposes not to vote on this issue, because he thinks the object we have in view—the prevention of compulsory secret voting—can satisfactorily be attained when the Bill is in Committee. I confess my main difficulty in adopting that proposal arises on the consideration whether my noble Friend's Amendments will be really found incorporated in the Bill when it becomes a statute. I am not an old Member of this House, but I have already survived some hallucinations, and one is a belief in your Lordships' Amendments in Committee. They are

The Marquess of Salisbury

proposed with the greatest sincerity, carried by enthusiastic majorities, and sent down to the other House, where they are received with bluff refusal. When the Bill is sent back to us, those who moved the Amendments sincerely are still desirous of importing them into it, but the moment has passed by, the majority has gone to the four winds, only a few of your Lordships are in town, and under the exhausting pressure of an August sun one-half the Amendments are given up and the other half are clipped down so that the authors of them can scarcely recognize their own children. It is not anybody's fault, but this is what is apt to happen. I trust in saying that I may not be thought to be speaking against the Amendments my noble Friend is to move in Committee. I shall support them earnestly and stand by my noble Friend to the last; but I cannot feel that in the resolution to propose the Amendments we have any guarantee they will pass. When I have an important end to reach I would rather reach it by a vote on the second reading, from which there is no appeal, than by voting for Amendments which may not be accepted. My noble Friend and other speakers have been a little disturbed by the fear of that agitation which is always coming and never comes, and by a desire—very natural and praiseworthy—to conciliate the House of Commons. But suppose we pass these Amendments—to which I give all praise—making the Ballot optional, and suppose the House of Commons refuses them, and the Bill in consequence falls to the ground, how are these two objects of avoiding agitation and gratifying the House of Commons to be attained? I am afraid we shall be as far from them as ever. Therefore, we are in this dilemma, either we shall fail to pass these Amendments—in which case my noble Friend will be as disappointed as I shall be; or we shall succeed in passing them, and then we shall incur these very grave dangers of irritating the House of Commons and provoking this terrible autumn agitation. It is with great doubt and difficulty that I have resolved to vote against this Bill. There is no one upon whose judgment I rely with more absolute confidence than I do on that of my noble Friend who tells me he shall abstain from voting against this Bill; but I feel that his position as

leader and ours as the ordinary rank and file of the party are somewhat different. I think his mind is a little biassed by the responsibility resting upon him; but to us may be granted the luxury, not open to him, of expressing our opinions by a straightforward vote. Do not imagine that this is a wholly unpractical question. As regards England it will not produce any immediate effect on the balance of parties. It is very likely the rivalries among various classes may so operate that the balance of parties may not be changed, or even that there may be a slight inclination towards Conservatism. But if there is one thing to be feared, it is the dangerous vice of this day, political abstention. Ballot has had that effect on the Continent. There are numbers of people who only go to the poll to please some friend, and when you take that motive entirely away, I am afraid you will have a much smaller attendance at the poll, and consequently a much weakened moral authority in Parliament. Still, it is not these apprehensions which press immediately on my mind. I confess it is Ireland that alarms me. It is said, one object of the Bill is to prevent the terrible scenes which occur at nominations and polls at which mob violence is used. But if I am not mistaken the Government have always persistently refused to apply to Ireland that system of numerous polling-places which exists in England, and which would have prevented in Ireland those scenes my noble Friend (the Earl of Kimberley) deplores, and would have paralyzed that mob power by which the supporters of my noble Friend are returned to Parliament. It is something to reduce the number of bloody heads at an Irish election; but if you pass this Bill, you will withdraw from the Irish elector the moral influence of the educated classes above him, and you will in the next Parliament have to meet a demand for separation from a majority of the Irish representatives. It is a demand which you cannot grant, and which you can resist only by altering your whole system of government and breaking the traditions of a free and peaceful Union which have lasted so long. It is a frightful prospect that the Bill opens before us, and some of us may appear too eager to resist it. If you are induced to condemn us because we are not guided at this crisis by the

councils of my noble Friend, at least do us the justice to remember it is a fearful constitutional danger which is opened out by this ill-considered Bill—a danger to avert which it is worth while risking something of private attachment and confidence, and risking something of constitutional agitation. Therefore it is, my Lords, that I shall give my hearty support to the Amendment.

THE LORD CHANCELLOR: My Lords, I shall not detain your Lordships long in speaking on a subject which has been so fully discussed here and elsewhere; but I would say that on this occasion the House and the Government may be congratulated on the fulness of the discussion which has taken place to-night—because it is not right or seemly that a Bill sent up by the other House, affecting mainly the position of its own Members, and the interests of those by whom those Members are returned, should be a second time disposed of without patient consideration. For this reason I do not think your Lordships will accept the advice of the noble Marquess who spoke last—to vote against the second reading of the Bill, because the effect of that course will be to prevent the further consideration of the Bill in Committee. I was disappointed at not hearing from the noble Earl who moved the rejection of the Bill (Earl Grey) a well-considered argument against it; but not one word of such argument did we hear from him—it dealt principally with what might possibly happen should this Bill pass into law. He found fault with Ministers for postponing other public measures to this; but I challenge him to point to any three Sessions within his own recollection in which so many important Bills have been passed as have been passed in the three Sessions of the present Parliament. If we are to wait for the Bill until the noble Earl is pleased with the Parliament and with Her Majesty's Government, I am afraid we shall have to wait a long time. The noble Duke who followed him (the Duke of Richmond) was willing to allow the Bill to go into Committee; but he disparaged the Bill on the ground that it was now supported by some among Her Majesty's Government who recently were among its opponents. For myself, so far as I am personally concerned, I can say that 24 years ago I spoke and voted in favour of the Ballot; and even if

others have changed their views, that only shows that this measure has made that progress in public opinion which has been common to all important measures—such as the repeal of the Corn Laws, the repeal of the Test Acts, Catholic Emancipation, and Household Suffrage, which last I voted for 24 years ago, and which was finally carried when Mr. Disraeli was Prime Minister. This Bill, then, is simply another illustration of how public measures make their way upon their merits; and the fact of present supporters having formerly been opponents only shows how well considered the subject has been. A measure affecting the way in which Members of the other House are chosen should be something of a very frightful nature to justify your Lordships in rejecting it. The alleged apathy on the subject may arise either from want of interest or from certainty that the object will be attained; and it is the latter description of apathy that prevails. During the last month or two, in every single instance in which candidates have gone before constituencies, every candidate, whether Conservative or Liberal, has been obliged to declare himself in favour of the Ballot. My Lords, there are two remarkable instances of this. There was the constituency of North-West Yorkshire, numbering some 14,000 electors; the Conservative candidate could only be returned by declaring himself in favour of the Ballot. Mr. Powell, I believe, was a convert on the occasion. The other case was in Oldham, where the result was not less remarkable. My noble Friend (Lord Lyveden), who spoke with some degree of paternal interest on this subject, as if he had inherited a dislike to the Ballot, in alluding to the effect of the step taken last year by your Lordships in rejecting the Bill, mentioned what had occurred in the case of the noble Earl who then moved the rejection of the Bill (the Earl of Shaftesbury). He went to Glasgow on the invitation of the working men, and instead of being torn to pieces, the only result was that they received him with hearty and triumphant acclamation. But surely that fact cannot be used as an argument against the Ballot? It would be perfectly absurd. I contend, therefore, my Lords, that the facts I have mentioned really show there is no apathy

The Lord Chancellor

on this subject. The noble Marquess (the Marquess of Salisbury) says the House of Commons does not on this subject represent the people of England. Why, we know they are represented by a greatly enlarged constituency under the Bill of the late Government. The Members who were returned at the first General Election under that Bill have all voted pretty well according to the wishes of those who returned them on this subject. The noble Marquess says they were elected four years ago, and they do not now represent the constituencies. The argument of the noble Marquess, therefore, resolves itself into this—there should be annual Parliaments, in order that we may see whether the Members elected really represent their constituencies or not. You are entitled, my Lords, to accept the verdict of the country, as expressed by the House of Commons, until it is otherwise expressed. You cannot rely on any other doctrine than that. I must now, my Lords, state briefly what I conceive to be the essence of this question. You have invested a large number of persons beyond those who formerly possessed it with the suffrage. These people believe that Parliament were in earnest when they changed the suffrage—the wish to exercise it; they do not wish to do so under the dictation of their landlords or employers, or the corporation under which they may have appointments—they wish to represent their own sentiments—they say let us do it quietly in our own way. But it is said, forsooth, this mode of secret voting is un-English—that it is against all our institutions, and against the Constitution itself—that it is a large and sweeping change of our constitutional system, and there ought to be a fresh verdict on the part of the country on the subject. America was referred to; but I believe when the Ballot was established in America it was adopted without any fresh appeal to the country. The Ballot has been adopted by our Australian Colonies, who love and carry out everything English—surely that does not show it to be un-English. They reverence every recollection of the old country, and how they should adopt an essentially un-English custom is a mystery which resolves to be explained. It is a perfectly English habit not to like to be interfered with—it is a perfectly English habit not to like to be patro-

nized; and the English people do not wish to be kept in leading strings, or be told—"We know much better than you do what is best to be done, and how you ought to exercise your rights." I say that is not the way to secure the esteem and affection of the people. And, on the other hand, there is no fear of any of those tremendous consequences which the noble Marquess deprecated if you leave those whom you have intrusted with the franchise to exercise it in their own way. I do implore your Lordships as you regard their affections, as you would win their hearts, do not now spoil all you have done in enlarging their franchises by saying you cannot trust them to exercise them as they wish. We have heard a great deal to-night about everything being done in this country with publicity. My Lords, I read the other day a very admirable article, exceedingly well reasoned, in the leading public journal of this country, which spoke of the mischievous effect of secrecy, and the noble Earl (the Earl of Shaftesbury) said something of the same kind; but the writer of the article did not appear to recollect that he himself was an instance of this very secrecy which he deprecated, because he was writing anonymously. I say, therefore, that the argument about the Ballot being un-English is an idle contention, and you must trust to the people to whom you have given the franchise how they should exercise it, for they are, after all, the best judges. I apprehend that your Lordships will not say that this measure is to be ignominiously rejected without further discussion.

LORD CAIRNS: My Lords, the only argument that I have heard from the noble and learned Lord who has just sat down which requires notice is that because a person writes anonymously in a newspaper, therefore we should have the Ballot; and I must say that if writing anonymously in a newspaper had been a public duty, the reasoning would then have been somewhat closer. I rise, however, for the purpose of stating to your Lordships the reasons why I cannot give any active support to this measure. In the first place, I find this most alarming statement on the part of the Prime Minister, that he had become a convert to the Ballot for this reason. He said that formerly he was opposed to it, because he thought that the giving a vote

was a public duty which ought to be publicly performed on account of the limited number of voters who formerly possessed the franchise; but now, he stated, the whole thing is changed, as there has been established such an extended suffrage that it is tantamount to universal suffrage; or, at any rate, the adoption of universal suffrage is now only a matter of time and convenience. If that is to be the result of the present measure, the consequences are most alarming. Because, what must be the reasoning of those who do not possess the suffrage? They would say that formerly they had the right to see those who possessed the suffrage exercise their functions before the public; but now that protection was taken from them by this Bill, on the ground that it was only a matter of time and convenience when they would have the suffrage themselves. They would, therefore, say that Parliament when it deprived them of what was a protection must at the same time give them an unlimited suffrage, which is declared to be only a matter of time and convenience. Again, it appears to me that this Bill must inevitably have the effect of disfranchising one-half the constituency of the country. If you enact that all votes must be given secretly, you will find that a very large proportion of the electors will become utterly indifferent to the exercise of the suffrage, and that it will be utterly impossible to bring them to the poll and induce them to record their votes. Again, it has happened to all your Lordships to have to fill up papers with which you receive full directions. Your Lordships are persons educated and qualified for this work; but remember the kind of persons with whom you are now dealing. I speak now only of those who can read and write; and I ask you, do you believe it possible that as to a very large number of these persons they will ever be able to find their way through the complicated and embarrassing directions in this Bill in reference to the mode of voting? If any of your Lordships were to sit down at a table, you would find that it would take you considerably more than an hour to make yourselves masters of them. Do you believe that an ignorant or moderately-educated man, in the excitement and agitation of an election, when put into one of these secret booths, armed with a pencil or pen, and one of

these unintelligible forms—do you believe that the chances would be equal in favour or against his filling it up correctly? Then, only think next of those who cannot read or write—we are told that they amount to a very large proportion, in some places to one-half of the constituency; and how are they to vote? They must before the election go to a magistrate and make a solemn declaration that they cannot read or write, and afterwards present themselves at the polling-booth armed with the declaration in order that they may record their votes. I venture to say that the result of that would be such that if this Bill were to pass it would disfranchise one-half of the constituency. It has been said that a portion of the constituency requires special protection against intimidation and bribery. I ask what portion of the constituency is it that requires protection—the higher or the lower grade—the better or the less educated portion? No doubt it must be said that it was the lower and less educated part. But what would be the protection for them? Secret voting is to be only the privilege of the educated; the uneducated are to have no protection; they are to be compelled to vote openly. Every man who is an enemy to an extension of the suffrage should vote for this Bill; but for the reasons I have stated I can take no part by way of voting in favour of the Bill.

LORD DENMAN, who was almost inaudible, was understood to say that if he had not been allowed to express his opinions he should have gone behind the Throne; but as it was, he could only give his reasons, justifying the course he should take. He had heard the whole debate on both sides, and considered that he had a right to be heard. The Bill of last year, brought in on the 10th of August, contained 57 clauses. He voted against that Bill on principle; but it contained a provision against the use of public-houses as committee-rooms, under a penalty of £20, which was entirely omitted in this Bill of 33 clauses. Many Petitions were presented last year for that Bill; there being 9,339 Petitioners in its favour, and only 2 Petitions against it, with 49 Petitioners; but this year there were 3 Petitions against this Bill with 2,752 Petitioners; only 28 in its favour with 559 Petitioners, and 17 Petitions for alteration with 2,213 Petitioners. One Petition from Liverpool

Lord Cairns

contained excellent reasons for throwing out this Bill, showing that bribery, intimidation, and undue influence were the evils sought to be corrected by ballot, but that under the present state of the representation these evils were no longer formidable. He also alluded to a Petition from Manchester—which desired that public nominations might be continued—and he declared that he supported the Motion of the noble Earl (Earl Grey) against the second reading with much satisfaction.

On Question, That ("now") stand part of the Motion? their Lordships divided:—Contents 86; Not-Contents 56: Majority 30.

Resolved in the Affirmative; Bill read 2^d accordingly, and committed to a Committee of the Whole House on *Monday* next.

CONTENTS.

Hatherley, L. (<i>L. Chancellor.</i>)	Balinhard, L. (<i>E. South-east.</i>)
Devonshire, D.	Barrogill, L. (<i>E. Caithness.</i>)
Saint Albans, D. [<i>Teller.</i>]	Bateman, L.
Ailesbury, M.	Belper, L.
Cholmondeley, M.	Blachford, L.
Lansdowne, M.	Bolton, L.
Ripon, M.	Boyle, L. (<i>E. Cork and Orrery.</i>) [<i>Teller.</i>]
Airlie, E.	Camoyes, L.
Belmore, E.	Carew, L.
Camperdown, E.	Chelmsford, L.
Cathcart, E.	Chesham, L.
Chichester, E.	Clermont, L.
Clarendon, E.	Clifton, L. (<i>E. Darnley.</i>)
Cowper, E.	Cloncurry, L.
De La Warr, E.	Congleton, L.
Devon, E.	Dacre, L.
Ducie, E.	De Tabley, L.
Durham, E.	Dinevor, L.
Ellesmere, E.	Dunning, L. (<i>L. Rolle.</i>)
Fortescue, E.	Eliot, L.
Granville, E.	Fitzhardinge, L.
Kimberley, E.	Foley, L.
Lovelace, E.	Greville, L.
Morley, E.	Gwydir, L.
Nelson, E.	Hastings, L.
Rosse, E.	Hawke, L.
Bangor, V.	Heytesbury, L.
Leinster, V. (<i>D. Leinster.</i>)	Howard of Glossop, L.
Ossington, V.	Kildare, L. (<i>M. Kildare.</i>)
Powerscourt, V.	Leigh, L.
Sydney, V.	Meldrum, L. (<i>M. Huntly.</i>)
Torrington, V.	Meredyth, L. (<i>L. Athlumney.</i>)
Ripon, Bp.	Methuen, L.
Abinger, L.	Monteagle of Brandon, L.
Acton, L.	Mostyn, L.
Auckland, L.	Ponsonby, L. (<i>E. Bessborough.</i>)
	Robartes, L.
	Romilly, L.

Rosebery, L. (*E. Rosebery.*)
 Saltersford, L. (*E. Courtown.*)
 Sandhurst, L.
 Seaton, L.
 Silchester, L. (*E. Longford.*)
 Stratheden, L.
 Suffield, L.
 Sundridge, L. (*D. Argyll.*)
 Vaux of Harrowden, L.
 Wharncliffe, L.
 Wrottesley, L.
 Zouche of Haryngworth, L.

NOT-CONTENTS.

Marlborough, D.	Hood, V.
Norfolk, D.	Sidmouth, V.
Rutland, D.	
	Braybrooke, L.
Abercorn, M. (<i>D. Abercorn.</i>)	Brodrick, L. (<i>V. Middleton.</i>)
Bath, M.	Colchester, L.
Bristol, M.	Delamere, L.
Exeter, M.	Denman, L.
Hertford, M.	Digby, L.
Salisbury, M.	Dunsany, L.
	Ellenborough, L.
	Fitzwalter, L.
Abergavenny, E.	Lilford, L.
Amherst, E.	Lyttelton, L.
Bandon, E.	Lyveden, L.
Brooke and Warwick, E.	Northwick, L.
Carnarvon, E.	Oranmore and Browne, L.
Coventry, E.	
Feversham, E.	Oriel, L. (<i>V. Massereene.</i>)
Grey, E. [<i>Teller.</i>]	Ormathwaite, L.
Harewood, E.	Ravensthorpe, L.
Harrowby, E.	Redesdale, L. [<i>Teller.</i>]
Macclesfield, E.	Sheffield, L. (<i>E. Sheffield.</i>)
Malmesbury, E.	Somerhill, L. (<i>M. Clanricarde.</i>)
Mansfield, E.	Sondes, L.
Selkirk, E.	Stanley of Alderley, L.
Shrewsbury, E.	Talbot de Malahide, L.
Sommers, E.	Thurlow, L.
Tankerville, E.	Tredegar, L.
	Wynford, L.

APPOINTMENT OF COMMISSIONERS FOR TAKING AFFIDAVITS BILL [H.L.]

A Bill to provide for the appointment of Commissioners in the Channel Islands and also in the City of Dublin and its vicinity for taking Affidavits to be used in the Superior Courts of Common Law and other Courts in Ireland—Was *presented* by The Lord SOMERHILL; read 1^a. (No. 133.)

House adjourned at half past Twelve o'clock, A.M., till half past Ten o'clock.

HOUSE OF COMMONS,

Monday, 10th June, 1872.

MINUTES.]—SELECT COMMITTEE—Elementary Schools (Certificated Teachers), *nominated*; Public Petitions, Mr. Hastings Russell *discharged*, Mr. Arthur Russell *added*.

SUPPLY—considered in Committee—CIVIL SERVICE ESTIMATES—Committee—R.F.

PUBLIC BILLS—Ordered—*First Reading*—Review of Justices' Decisions * [190]; Railways Provisional Certificate Confirmation * [192]; Board of Trade Inquiries * [193].

First Reading—Prison Ministers * [191]; Church Seats * [194].

Second Reading—Bishops Resignation Act (1869) Perpetuation [137].

Committee—Report—Customs and Inland Revenue [108]; Tramways Provisional Orders Confirmation (No. 3) (*re-comm.*) * [188]; Tramways Provisional Orders Confirmation (No. 4) (*re-comm.*) * [189].

Third Reading—Drainage and Improvement of Lands (Ireland) Supplemental * [185], and *passed*.

EMPLOYMENT OF WOMEN—CASE OF MARY ANN SMITH.

QUESTION.

Mr. WELBY asked the Secretary of State for the Home Department, Whether he has had under his consideration the case of Mary Ann Smith, who died at Spalding, on May 10th, from the effects of an accident incurred while she was working upon a steam threshing machine; and, if so, whether he would take into his consideration the desirability of proposing some legislative restrictions upon the employment of females in work of this nature, as recommended by the coroner's jury in this instance?

Mr. BRUCE, in reply, said, he had received no special report upon the case of Mary Ann Smith, but he had seen a newspaper report, the accuracy of which he could have no reason to doubt; and he was afraid that accidents to women had in more cases than this resulted from their employment upon machinery used in threshing. From the representations made to him, he thought the subject of sufficient importance to have a special report made as to the manner in which women were employed upon these engines, and the means which might be taken for their greater safety. It was, however, no light matter to interfere with the employment of women in any sort of labour, or to interfere in any way without just cause with the working of such very useful machinery.

CRIMINAL LAW—COLLUMPTON MAGISTRATES—CASE OF JOHN WEBBER.

QUESTION.

MR. KAY-SHUTTLEWORTH asked the Secretary of State for the Home Department, Whether his attention has been directed to the account given by Canon Girdlestone in "The Times" (June 6th) of the proceedings at the Petty Sessions at Collumpton last Monday, relating to the case of John Webber a farm labourer; and, whether he has made any inquiry into the conduct of the magistrates on that occasion?

MR. BRUCE said, in reply, that he had caused inquiries to be made with respect to the account given by Canon Girdlestone of the proceedings at the Petty Sessions at Collumpton on last Monday relating to the case of John Webber, and he had received voluminous papers on the subject. As, however, they only arrived a short time ago, when he was obliged to attend a meeting of the Cabinet, he must ask the hon. Gentleman to repeat his Question to-morrow.

PUBLIC PROSECUTORS BILL—COST OF PUBLIC PROSECUTORS.—QUESTION.

MR. WEST asked the Secretary of State for the Home Department, When he will lay before the House the result of his inquiry with regard to the estimated cost of public prosecutors proposed to be appointed?

MR. BRUCE, in reply, said, that the inquiry which had been instituted with regard to the estimated cost of the public prosecutors proposed to be appointed was a departmental one, which had been jointly conducted by officers of the Home Office and of the Treasury, and, as their Report was a confidential one, it could not be laid upon the Table of the House. The Public Prosecutors Bill stood upon the Paper as the first Order of the Day for next Wednesday, and when it came on the Government would be prepared to propose Amendments in it and to state what were the results of the inquiry in question.

THE DIPLOMATIC SERVICE—REPORT OF THE DIPLOMATIC COMMITTEE.

QUESTION.

MR. CARTWRIGHT asked the Under Secretary of State for Foreign Affairs, Whether any determination has yet been arrived at in respect to the various re-

commendations made by the Diplomatic Committee last year, which relate to the system of examinations for admission to the junior grades, the scale of remuneration of the junior servants of the service, and to certain pecuniary advantages which it was proposed to secure on special proof of specified qualifications, as also to the recommendations that the gentlemen now in the service who entered it before existing arrangements took effect for giving commissions to second and third secretaries should be entitled to reckon towards their pensions, when they retire, all the period of their service as Attachés without a commission, deducting four years from that period, and that, subject to the Secretary of State's approbation, it be allowable for Chiefs of Missions who have not taken their allotted leave in any one year to unite such leave with that of the following year, without incurring a reduction of salary during the period of such united leave?

VISCOUNT ENFIELD, in reply, said, that as regarded the first part of the Question—What change would be made in the system of examinations for admission to the junior grades of the Diplomatic Service? he begged to state that candidates who had taken a University degree, or who had been at a public school up to their 18th year, would be required to pass only such examination as would prove that they had a correct knowledge of French grammar, could converse fluently in that language on ordinary topics, could translate accurately from English into French, and *vice versa*, and could satisfy the examiner of their proficiency in handwriting and *précis* writing. With respect to the second part of the Question—Would the scale of remuneration of the junior members of the service be altered, and would certain pecuniary advantages be secured to them on special proof of specified qualifications? he had to state that the period of unpaid duty would be reduced to two years, whereof six months would be spent in the Foreign Office and 18 months abroad. At the end of two years they would receive commissions as Third Secretaries, with a salary of £150 a-year, and if, on examination, they showed a competent knowledge of public law, they would, as Third Secretaries, receive an additional £100 per annum; on promotion to be Second Secretary they

would receive a minimum salary of £300 a-year, increasing by £15 a-year till it reached £450 a-year. The minimum salary of a Secretary of Legation would be £500 a-year. Any Secretary of Legation or of Embassy, Second or Third Secretary or *attaché*, who should possess a competent knowledge, colloquial or otherwise, of the Russian, Turkish, Persian, Japanese, or Chinese language while serving at any mission where such language was vernacular, would receive a special allowance of £100 a-year over and above any other allowance he might be in receipt of. The third part of the Question was—Would those who entered the service before the present arrangements for giving commissions to Second and Third Secretaries took effect be allowed to reckon towards their pensions the period of their service as *attachés* with four years' deduction? To that he must say no; they would not be allowed to count such time, as no such benefit was promised on their entrance into the service. In reply to the fourth part of the Question—Would Chiefs of Missions be allowed, subject to the approval of the Secretary of State, to unite the leave of one year with that of the next without incurring a deduction of salary? he had to observe that the Secretary of State was not prepared to allow that alteration, as it was not considered advisable to establish a system which would sanction the absence of heads of Missions for four consecutive months from their posts every second year, thus depriving the country for so long a time of the advantage which British interests would derive from the weight and authority attaching to heads of Missions. He would further observe that the new regulations he had mentioned had not yet come into practice, and were at present only prospective.

PARLIAMENT—PUBLIC BUSINESS.
QUESTION.

SIR COLMAN O'LOGHLEN asked the First Lord of the Treasury, If he will give a day for the disposal of the Irish business now before the House, and particularly of the Bills relating to the amendment of the Irish Grand Jury system?

MR. GLADSTONE, in reply, said, his noble Friend the Chief Secretary for Ireland (the Marquess of Hartington) was anxious to make progress with the

measure referred to, and hoped before any long time elapsed to make a communication as to it. For the present, however, the right hon. Gentleman must be content with the answer which he recently gave as to the Public Health Bill—namely, that nothing would be gained by attempting to arrange the order of Business too long beforehand, and that when the Scotch Education and Mines Bill had been dispatched, which would be the case before long, the Government would consider anew the order of Business.

ARMY—BAND OF THE GRENADIER
GUARDS.—QUESTION.

MR. WATERHOUSE asked the Secretary of State for War, What control the Officer in charge of the Band of the Grenadier Guards will have over his men in the event of insubordination or desertion from the ranks during their visit to the United States; and, whether he has any objection to place upon the Table of the House any Correspondence that has taken place between the War Office and the Military authorities on the subject?

MR. CARDWELL: Sir, there is no novelty in the circumstance of an officer with soldiers under his charge going to a foreign country on a visit of this nature; and in the present instance the officer in charge will have exactly the same authority as was exercised, for example, by the officer of Royal Engineers in charge of the men who attended the Paris Exhibition. Under the present arrangements no correspondence passes between the War Office and the military authorities.

COLONEL STUART KNOX asked, Whether any instance had ever before occurred of a band or a company of soldiers being sent out of the country by order of the Secretary of State for War, and without any communication in the first instance with the Commander-in-Chief?

MR. CARDWELL: Sir, it has not happened in any former case, nor am I aware that it has happened in this.

THE EARL OF YARMOUTH asked the Secretary of State for War, Whether he will be good enough to inform the House of the date on which the promise was given that the Band of the Grenadier Guards should proceed to the United

States, and by whom that promise was given; also the date on which His Royal Highness the Commander in Chief was informed of that promise, and the date on which His Royal Highness received the sanction of Her Majesty for the band to proceed to America; and, whether the Secretary of State for War has not now ascertained that portions of uniform were served out to civilians to enable them to appear as bandsmen; and, if so, by whose authority?

MR. CARDWELL: Sir, the date on which a promise of permission was given was the 27th of September last, by a letter from my right hon. Friend the Surveyor General (Sir Henry Storks) to the Secretary of the United States' Legation. At that time the subject had been placed by His Royal Highness and by me in the hands of the Adjutant General and of my right hon. Friend. The completion of the arrangements having been notified to the Adjutant General, the formal submission to the Queen was made by His Royal Highness on the 29th of May, and Her Majesty's approval was received on the 30th. I have ascertained, not, indeed, that any novelty has been resorted to on this occasion in respect of civilians being permitted to wear the uniform of bandsmen in the Guards, but that an abuse, heretofore unknown to His Royal Highness the Colonel of the regiment and to the Adjutant General—and it was on their authority I made my former statement—has for some time prevailed of permitting civilians to supply the place of enlisted soldiers in the bands of the Guards. That abuse has been brought to light by the useful assiduity of the noble Earl, and directions have been given to prevent its repetition.

THE EARL OF YARMOUTH asked, at whose expense the cost of the uniforms worn by civilians would be defrayed?

MR. CARDWELL: Sir, as the noble Earl, I believe, is an officer—[*Cries of "Was!"*—]—was an officer in one of the regiments in which the abuse has prevailed, I presume he is better acquainted with the subject than I am. If, however, he wishes for information on the point, and will place his Question on the Paper, I will ascertain what has been done in the present instance.

The Earl of Yarmouth

IRELAND—REFORMATORIES AND INDUSTRIAL SCHOOLS (IRELAND).

QUESTION.

MR. O'REILLY asked the Chief Secretary for Ireland, Will the sum taken in the Estimates be sufficient to pay for as many children as it may be expected will be sent to Reformatory and Industrial Schools now certified, or which may probably be certified in the current year; how far the Circular issued in July last, on his own authority, by the Inspector of Industrial Schools, to the managers of Roman Catholic Industrial Schools in Ireland has been acted on, whether it has been cancelled, and whether in future the discretion entrusted to magistrates by the Act of Parliament will be left unfettered by any restrictions as to sending children to particular certified schools capable of receiving them; and, might not the number of children a school is fitted to receive be with advantage included in the certificate, as is done in England?

THE MARQUESS OF HARTINGTON said, in reply, that he had reason to believe that a sufficient sum had been taken in the Estimates to pay for as many children as it might be expected would be sent to reformatory and industrial schools now certified, although it was just possible that the Reformatory Vote might not be sufficient. With regard to how far the Circular issued in July last, on his own authority, by the Inspector of industrial schools in Ireland had been acted on, whether it had been cancelled, and whether in future the discretion entrusted to magistrates by the Act of Parliament would be left unfettered by any restrictions as to sending children to particular certified schools capable of receiving them, he had to state that it had never been acted upon with any great stringency, and that for the last six months it had not been acted upon at all. He was not, however, aware that it had actually been cancelled. If his hon. Friend referred, as he imagined he did, to the Correspondence that took place between them in the autumn of last year, he had to state that he was not prepared to abandon altogether the position he then took up. Although the Act seemed somewhat peremptory on the subject, he considered that, as being responsible for the administration of the Act, Parliament ex-

pected him to exercise some control over the number of children placed at the public expense in industrial and reformatory schools. There was no occasion—nor was there, he believed, any such intention—for imposing any restrictions whatever on the discretion of magistrates in that respect. It would be an improvement, no doubt, if, as the hon. Gentleman had suggested, the number of children a school was fitted to receive was included in the certificate, as was done in England, where it was practicable to do so; and, if possible, it should be so done in Ireland for the future.

WORKING MEN'S CLUBS—THE EXCISE. QUESTION.

SIR HARCOURT JOHNSTONE asked Mr. Chancellor of the Exchequer, Whether Working Men's Clubs will in future have any security against prosecution by the Excise, such as that which lately failed in the case of the Surrey Club?

THE CHANCELLOR OF THE EXCHEQUER said, in reply, that the prosecution to which the hon. Baronet referred took place at the suggestion of the police, who appeared to show a *prima facie* case against the Surrey Club, but which was satisfactorily met by the club. He could not hold out the hope that anything would really be done that would prevent the possibility of proceedings being taken by the Excise against persons not guilty of the offences with which they were charged.

SIR HARCOURT JOHNSTONE said, that as the right hon. Gentleman's answer was unsatisfactory, he would take an early opportunity of bringing the subject under the Notice of the House.

INLAND REVENUE—THE INCOME TAX—TENANT FARMERS.—QUESTION.

MR. C. S. READ asked Mr. Chancellor of the Exchequer, Whether in his reply to a Resolution of the Central Chamber of Agriculture, his statement that the tenant farmers would this year be relieved by the reduction of the Income tax to the extent of £150,000, he included the allowance of £80 that will be made in respect of all incomes under £300; and, whether he can state the amount previously allowed under Schedule B by the deduction of £60 from incomes of £200 a-year?

THE CHANCELLOR OF THE EXCHEQUER said, that his answer made to the Central Chamber of Agriculture that the tenant-farmers would this year be relieved by the reduction of the income tax to the extent of £150,000, did not include the allowance of £80 that would be made in respect of all incomes under £300, and that somewhat about £10,000 ought to be added on that account. He found that when the income tax was at 5*d.* the relief given in that way was about £10,000, and that was the last Return to which he could get access.

INDIA—STAFF APPOINTMENTS. QUESTION.

SIR PATRICK O'BRIEN asked the Under Secretary of State for India, Whether in appointing to military Staff appointments in India, a preference is accorded to such officers as had passed through the Staff College?

MR. GRANT DUFF: Sir, I have no means of knowing the exact grounds on which Staff appointments are filled up in India by the authorities in whose patronage they are; but have no reason to doubt that the rules respecting the qualification of applicants are duly attended to. My hon. Friend is aware, of course, that the great majority of Staff appointments in India are given to the Staff Corps whose members cannot in the nature of things go to the Staff College at Sandhurst.

NAVY—THE REPORT OF "MEGÆRA" COMMISSION.—QUESTION.

MR. KAVANAGH asked the noble Lord the Member for Chichester, Whether he can name a day for proceeding with his notice to call attention to the Report of the "*Megara*" Commission?

LORD HENRY LENNOX, in reply, said, the report of the Commissioners on the loss of Her Majesty's ship *Megara* dealt out blame right and left. Naval officers of high distinction and public servants of long standing were included in that sweeping censure, and, in fact, almost the only persons who escaped blame were officers of that Department which hitherto had been held primarily responsible for the administration of the Navy of this country. Under these circumstances he asked the First Lord of the Admiralty what steps he intends

taking. The First Lord of the Admiralty took the fair course of sending the Report containing this censure to the officers inculpated, asking what they had to say in answer to the Commissioners' charges, and last week, in answer to his hon. and gallant Friend the Member for Stamford (Sir John Hay), the First Lord of the Admiralty said he intended to lay the replies of these inculpated officers and public servants on the Table of the House. He (Lord Henry Lennox), however, thought it would not be fair to enter into this question until the House of Commons had before it the replies to the charges in question; and if the hon. Gentleman who was the first person to call attention to what turned out to be a great disaster would do him the favour of bringing the subject before the House in his usual lucid manner, he would be delighted to do his utmost to assist him in bringing the House of Commons to a fair, searching, and judicial decision on this question.

CHURCH TEMPORALITIES (IRELAND)
COMMISSIONERS—SALES OF LAND.
QUESTION.

MR. HERON asked the Chief Secretary for Ireland, Whether the attention of Her Majesty's Government has been called to the fact that the Commissioners of Church Temporalities in Ireland in their notices to immediate lessees or tenants, that they are willing to sell to them the fee-simple almost invariably demand thirty years' purchase on the rack-rent of the lands, although under the Act tithe rent-charge may be sold for twenty-two and a-half years' purchase, and perpetuity rents at five years' purchase; whether such a practice does not tend to destroy the right of pre-emption which it was intended the tenants should have, and to prevent the tenant-farmers from becoming owners of their lands in fee-simple; and, whether it is the intention of the Government to introduce any measure on the subject?

THE MARQUESS OF HARTINGTON in reply, said, he was informed by the Commissioners of Church Temporalities in Ireland that it was not their practice to demand 30 years' purchase, on the rack-rent of land which they had to sell. That was only asked in cases where the lands were extremely low let. Before

Lord Henry Lennox

land was offered for sale by the Commissioners, inquiry was made by them to ascertain the selling price of land in the neighbourhood, and the lands which the Commissioners offered for sale were offered to the tenants at that price. If the tenants declined to take the lands, they were sold by public auction, when the tenants had an opportunity of bidding for them in the market. Under these circumstances, he did not think there was any necessity of interfering with the course taken by the Commissioners.

SUPPLY—CIVIL SERVICE ESTIMATES.

SUPPLY—*considered* in Committee.

(In the Committee.)

(1.) Motion made, and Question proposed,

"That a sum, not exceeding £74,235, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1873, for the Salaries and Expenses of the Office of the Committee of Privy Council for Trade and Subordinate Departments."

MR. BOWRING said, there were two items in this vote to which he desired to call attention. The first was with regard to the appointment to a permanent office of a gentleman who had been private secretary to the Duke of Richmond. At first this gentleman received a temporary appointment for 18 months, at a salary of £400, as corresponding clerk in the Railway Department, as stated in a footnote to the Estimates; but the very next year the footnote disappeared, and the appointment had since been treated as permanent, although sanctioned by the House originally as being temporary only; and this year that gentleman had been promoted over the heads of the whole staff of the officers to be a permanent staff officer of the Board of Trade—namely, junior assistant secretary to the Railway Department, at a salary of £600 a-year. His reason for bringing the matter forward was, that only a few nights ago he had called attention to a similar case in the Privy Council Office, where Parliament had been asked to make a nominally temporary increase to the Registrar's salary, and agreed to it on that understanding; whereas the precedent established in this Board of Trade case seemed to show that such increase was likely to be permanent. Then with regard to the library of the Board of Trade,

which was very valuable. A few years ago, when the Board of Trade was transferred to Whitehall Gardens, the library, consisting of between 30,000 and 40,000 volumes of most valuable books, was left behind, and it was now placed in a wooden shed, and, beside deterioration from its comparatively unprotected condition, was in danger of destruction by fire. There were three ways by which this library might be disposed of—namely, by transfer to where the Department was now; or it might be usefully distributed among the several Departments of the Government; or, let the worst come to the worst, be sold, and the amount paid into the Exchequer, so as to prevent a large waste to the public. And yet there was a librarian with £600 a-year to take care of this library, which was of no use to the public service. The sum, moreover, annually voted in connection with the library, for salaries and minor expenses, was probably not less than £1,000, and if the Vote had come before the Committee in the early part of the year he would have moved that it be reduced by that sum. He would now move that it be reduced by £500, for the purpose of bringing the question to an issue, this being the third or fourth year that he had brought it forward; and unless he got some assurance from the Government on the subject, he would take the sense of the Committee upon it.

Motion made, and Question proposed,

"That a sum, not exceeding £73,735, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1873, for the Salaries and Expenses of the Office of the Committee of Privy Council for Trade and Subordinate Departments."

—(*Mr. Bowring.*)

MR. MACFIE said, he would urge upon the Government the erection of the Board of Trade into something like an international body, to settle questions that might arise between this and foreign countries in matters relating to trade; and he also thought it desirable that the Board of Trade, like other Departments, should furnish annual Reports, and the sooner it was done the better.

MR. F. S. POWELL said, he wished to call attention to two matters connected with the functions of the Board of Trade. He submitted that all questions relating to the copyright of designs should be

transferred to the Patent Office, as an essential branch of that Department, and that the inspection of alkali works should be vested in the Local Government Board.

SIR CHARLES ADDERLEY said, he had to complain that not only had individual Inspectors increased in number, but there was a needless multiplication of the classes of Inspectors with every new restriction on the various branches of industry. He asked whether it would not be possible to economize Inspectors by referring kindred kinds of inspection to one class of Inspectors, and suggested that the cost of inspection of these alkali works might more properly be charged upon the proprietors than upon the public, on the principle which had lately been adopted in the case of Fisheries.

SIR JOHN HAY said, he hoped the duty of inspecting the proving establishment of chain cables would not be postponed till October, but would be fixed for the 1st of July, as originally contemplated.

MR. RYLANDS said, he thought the librarian and assistant librarian, to whom his hon. Friend the Member for Exeter (*Mr. Bowring*) referred, had practically very little to do, and that he was perfectly justified in moving the reduction of the Vote.

MR. EYKYN said, he would call attention to the Joint Stock Companies Registration Office, the business of which he hoped would in future be transacted in a manner more satisfactory to the public.

MR. CHICHESTER FORTESCUE, in reply to the hon. Member for Leith (*Mr. Macfie*), said, the reason why the Board of Trade did not take a larger share in the transaction of international commercial business was, that it could not efficiently act in matters which implied a dealing between one Government and another, and which must always in the last resort be in the hands of the Foreign Office. He would also express his concurrence with the hon. Member for the West Riding of Yorkshire (*Mr. F. S. Powell*), in thinking that the present distribution of work between the Board of Trade and other offices was open to improvement, and that, although the duties which were thrown upon it were well discharged, yet there were several of the duties performed by it which might be more properly given to other Departments

of the State. In the remarks which the hon. Member had made with respect to designs he was very much disposed to concur, and the matter was under careful consideration. As to the inspection of alkali works, it had been decided that the duty should be transferred to the Local Government Board. He must, however, say that those duties, being of a very special character, and requiring special knowledge, could not safely be performed by persons who had no particular knowledge of the subject. As to the proving of chains and cables, the present Act would be left in operation, with the option of making use of the new tests in those places where the new testing machinery was provided. The same duties as before would therefore have to be performed till January 1. He had every reason to believe that the duties in the Office for the Registration of Joint-stock Companies had been performed more satisfactorily than they were last year; but he should like to have in black and white the exact grounds of complaint against the office, and would take care there was a searching inquiry. The hon. Member for Exeter (Mr. Bowring) raised the question of the appointment of a junior assistant secretary to the Railway Department of the Board of Trade. That gentleman, Mr. Charles Peel, had been previously employed at the Board of Trade in a temporary capacity; he had been private secretary to a former President of the Board, and he had performed important duties connected with the Provisional Order system which had grown up so rapidly. That was the work for which he had been specially appointed. He was now put in a more permanent position than he had previously occupied, but the Treasury had decided that he should not thereby acquire any claim to a retiring allowance, or any claim to compensation if the occasion for his services ceased. As to the library of the Board of Trade, he admitted that it was in an unsatisfactory state, and that that state ought under no circumstances to be allowed to continue. The library itself was, in fact, too good; so good that the Board did not know what to do with it. Being so good, they desired that it should be more widely available for the public service; but it was not now in a position in which it could be comfortably con-

Mr. Chichester Fortescue

sulted by any large number of people. The question of lodging it better had been under consideration by the Treasury, which some time back appointed a Committee, but it had not yet reported. The Chancellor of the Exchequer, however, was anxious that the inquiry should be brought to a close at an early date, and to come to some decision upon the Report of the Committee.

MR. STEPHEN CAVE said, he had always felt that the library was an unsatisfactory feature of the Board of Trade. When he was in office it encumbered all the rooms, and not being confined to the scientific works mentioned by the hon. Member for Exeter, sometimes attracted the clerks from their proper work. At the same time, he must say that he was conscientiously able to testify to the great ability and usefulness of the present librarian, who had, he believed, also other duties to discharge. With regard to the alkali works, he might explain that at first the owners of these works considered the Commission a hostile one, and it would have been difficult to carry the Bill if the owners had been saddled with the expenses of the Commission; those owners were now, however, by no means hostile to inspection; on the contrary, they acknowledged that the mode of working which they were obliged to adopt under the Act was extremely profitable and economical, and that they had benefitted largely by the suggestions of the able inspector. They could, therefore, well afford to pay for the inspection, and he thought it was well worth consideration whether the expenses should not be thrown on them. He also wished to know whether the attention of the Government had been turned to the condition of the oyster fisheries, and whether it was considered that the proprietors were now, or might shortly be expected to be, in a condition to pay for their inspection. He was glad that a beginning had been made in a fresh classification of the work in the different public offices, which had long been much required. With regard to Mr. Peel, he thought that no objection could possibly be taken to the appointment of that gentleman, the value of whose services had been acknowledged by two successive Governments.

MR. CANDLISH said, it was quite refreshing to witness the ability and in-

telligence now evinced at the Board of Trade. In the Estimates before the House work which had hitherto cost £400 was now charged £600, and a gentleman, it seemed, had been brought from the outside (Mr. Peel), passing over the heads of all the subordinates. That was a practice which ought rarely to be resorted to. With respect to the reduction of the expense of the library by £500, he might say that the expense of taking care of 30,000 or 40,000 books—not using them—was £1,000 a-year. That was pure waste, and if a division were taken he should support the Amendment.

MR. ALDERMAN LUSK said, he could bear witness to the willingness of the officials in the Board of Trade to assist all persons going to the Office on business. With regard to the library, he thought it would be well to unite it with the other libraries at the Foreign Office, the Colonial Office, and other Departments, and to make one good library out of them all. He did not see the use of having so many libraries, particularly as no one read the books. With regard to the appointment of Mr. Peel, he could not find fault with the Board of Trade selecting the best man for the purpose; and, as to Inspectors, he had no objection to their appointment, if those who wanted them paid the expenses. There was one thing, however, he did not like, and that was the Joint-stock Registration Department, for, in his opinion, it afforded too great facilities for making companies.

COLONEL HOGG said, the Provisional Orders with regard to tramways and gas and water pipes were increasing every year, and they were required to be carried out with very great care. Dealing as he (Colonel Hogg) did with them almost daily, he must say that he had found the gentleman who had charge of that branch of the office, and whose appointment had been somewhat questioned, in every respect an excellent officer, and he hoped the Government would confirm the appointment.

MR. BAXTER said, that although there was some ground for the delay which existed in the matter, yet he could assure the House there was some excuse in the fact that the Committee which was now considering in what way that library could be utilized for the public service had had various difficulties to contend with. No good, however, could

come of the hon. Member for Exeter (Mr. Bowring) pressing his Amendment to a division, which would, indeed, only tend to hamper the gentlemen who, he hoped, would soon be able to present a Report to the Chancellor of the Exchequer that would be laid before the House. With regard to the junior assistant secretary of the Railway Department, several testimonies had been borne to the ability and the valuable services of that gentleman; and the more the matter was investigated, the more the wisdom of his appointment would be shown.

MR. BOWRING said, he wished it to be distinctly understood that his complaint had not been made in any degree against any individual, but entirely against the system. He believed that Mr. Peel was an excellent public servant. With respect to the library, last year the right hon. Gentleman the Chancellor of the Exchequer had stated that the matter was then under consideration; and, surely, he (Mr. Bowring) was justified in thinking that the Committee might fairly have been expected by this time to have made their Report. He would leave his Amendment wholly in the hands of the House.

MR. C. S. READ asked whether the reduction of the salaries of the Inspectors of Corn Returns would diminish the efficiency of those Returns; and whether the same Returns, under the head of Agricultural Statistics, would be continued this year?

MR. CHICHESTER FORTESCUE said, that the work in question was now done by the Excise officers, and not by those of the Board of Trade. He therefore could not give any information with respect to the last question of the hon. Gentleman.

MR. MONK asked for an explanation of an item for the expenses of the delegates attending the Metric Conference at Paris.

MR. CHICHESTER FORTESCUE said, that the Conference had not been held in consequence of the Franco-German War; but it was found that certain additional instruments were required by the Standards Department, and, with the sanction of the Treasury, a small unappropriated sum was devoted to the purpose of those instruments.

Question put, and *negatived*.

Original Question put, and *agreed to*.

(2.) Motion made, and Question proposed,

"That a sum, not exceeding £2,011, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1873, for the Salaries and Expenses of the Office of the Lord Privy Seal."

MR. DILLWYN, in moving the omission of the Vote, said, he, in common with many other persons, regarded it as a sinecure and useless office, which ought to be swept away; in fact, he had never heard the office itself defended on the ground that it was of any use. He knew that the argument used in favour of its retention was, that it afforded a convenient berth for a Cabinet Minister, whose services were required for the performance of other duties than those which were nominally or apparently attached to his position. He did not, however, think that was a sufficient justification for the maintenance of the office, for the decisions of the Cabinet sitting in Council were more likely to be of a practical and less of a political character the more their deliberations were conducted by Ministers who had real Departments entrusted to them. It appeared to him, therefore, it was desirable that the office should be abolished. When he brought this subject under the notice of the House last year, the Chancellor of the Exchequer defended the office on the ground that it was desirable to have a Minister in the Cabinet who could be sent from Office to Office to assist in those Departments the heads of which were overworked. It was also said that last year the Lord Privy Seal had rendered great service by enabling the Marquess of Ripon to go to America to negotiate the Washington Treaty, but the illustration was, in his opinion, not a very happy one, because had the noble Marquess remained at home, perhaps his services in this country might have been more valuable than they were in America. In short, it appeared to him that any relief to be given under such circumstances should be given in a more open and avowed manner, and that if Cabinet Ministers were overworked, it would be better to divide the work, and to appoint Ministers without portfolios to assist in getting through it. Here was a high official, with a salary of £2,000 per annum, appointed to an office which had no duties attached to

it; and a chief clerk, with a salary of £250 per annum, a private secretary, an assistant clerk, and a messenger were appointed to help him to do nothing. Such an appointment was contrary to all principles that were supposed to secure efficiency and economy. The country ought to know what it got for its money, and at present there was no means of testing whether the staff of the Lord Privy Seal were under or overpaid for their services. When he brought the matter under the notice of the House of Commons last year, 44 hon. Members against 73 voted against the retention of the Office; and it was the duty of the Government to have taken some notice of this expression of opinion on the part of the House, instead of which they had sanctioned an increase of the expenses of the Office from £2,739 to £2,761. Under these circumstances, he begged to move that the whole Vote be disallowed.

MR. GLADSTONE said, that if, in a full House, the figures on a division respecting the abolition of the Lord Privy Seal's Office had stood in the proportion of 44 to 73, he should have been willing to regard it as a warning that some change should be made in the Office; but so small a division as that of last year could not be accepted as expressing accurately the deliberate balance of opinion of the Whole House. He must also say that he thought it would be a great mistake—a mistake which must inevitably give rise to great public inconvenience—if the House were to adopt the Motion; indeed, that a greater mistake could hardly be made in connection with so small a matter. His hon. Friend the Member for Swansea had said that if a Minister of State were overworked, the proper way to relieve him was to appoint a permanent Colleague to divide the labour with him; but he would point out that it was not alleged that the Members of the Government were overworked in respect to their departmental duties, but in respect of those other general duties that devolved on them as Members of the Government, and it was idle to suppose that the Foreign Secretary, for instance, could obtain relief from the pressure of business that rested on him by appointing two Foreign Secretaries instead of one. [MR. BOUVIERIE: It used to be done.] Yes; but that was at a time when the Cabinet was dif-

ferently organized to what it was now, and when to see one Member of the Cabinet voting against another was a common occurrence. In our days it would be obviously impracticable to have two Foreign Secretaries. It must be borne in mind, moreover, that besides the departmental duties of a Minister he had, during the Session, to pass many hours every day in the House of Commons—a very serious duty; and allowance must also be made for the duties of the Cabinet, for those of Committees of the Cabinet, and for the preparation of Bills—because the latter was no portion of the distinctive duties of a Department. In fact, his hon. Friend would do well to open his mind to the fact that, as a whole, Ministers were not underworked but overworked; and the consequence was that their work was not so well done as it otherwise would be. There was no good policy and no economy in overwork; but it was an evil from which they suffered, and one that they could not escape from, but from which a partial escape and a very material alleviation were afforded by the existence of the office of Lord Privy Seal; indeed, he would assert that the presence of the Lord Privy Seal in the Cabinet was of the utmost value to the Government. How were Ministers, labouring hard in that House—take, for example, the Secretary for War last year—to perform the general duties of the Administration without the assistance of such a Minister as the Lord Privy Seal? The Lord Privy Seal brought a clear and disengaged mind to the general deliberations of the Cabinet—deliberations upon questions to be looked at in a multitude of different lights. Let them look back to the years 1869 and 1870, and say whether it was possible for Ministers to have discharged their business efficiently in the other House of Parliament without the able advice and assistance of Lord Halifax? The arguments against the office would also go to the extent of saying that when a Minister by temporary indisposition was unable to discharge the duties of his office he ought at once to resign; otherwise, when the head of a department became seriously ill—as in the case of his right hon. Friend the Member for Pontefract (Mr. Childers)—the strength of the Cabinet would be seriously impaired. It was true that the Lord Privy Seal had no depart-

mental duties to perform, but it was a great fallacy to suppose that he had no other duties. The departmental duties of a Minister were, no doubt, of great importance; but other duties performed by them were even generally of greater importance. The staff was generally so efficient and powerful that the whole available strength of the Ministers was able to be directed to those matters in which it was more needed than for the deliberations of departments, and it was to give assistance in those general duties that the office of Lord Privy Seal was of importance to the Cabinet; and the fact was, that the person filling that office could more efficiently discharge the general duties of a Minister from the fact that he was not burdened with the duties of a department. If his hon. Friend thought that the Government in regard to its aggregate weight was more powerful than the public service required, the most reasonable course to take would be to ask the House to take away some of the assistance they enjoyed. But if it were admitted that they were overweighted, then his hon. Friend might take his (Mr. Gladstone's) assurance—an assurance founded upon a long experience—that the assistance derived by the Ministry from the existence of an office of this kind was most valuable and important as regarded the discharge of the general duties of the Government.

MR. OTWAY said, he regretted he could not see the matter in the same light as that of the right hon. Gentleman at the head of the Government. There was no question but that the Ministers were hardly worked, and that it was a great benefit to them to have the assistance of an independent mind in their deliberations; but that formed no argument in favour of a useless office being retained. The present Government, on coming into office, made the most earnest professions of economy, and it was in consequence of those professions that they obtained so large a majority; but in compliance with the requirements of those professions, his right hon. Friend had not given any substantial reason for the retention of this office, or named any important duty discharged by the Lord Privy Seal. All his arguments went to show that he was a sort of "handy man," and that it was important to have his advice and assist-

ance. He (Mr. Otway) would remind the right hon. Gentleman and the House that the country had often the advice and assistance of great statesmen in the Cabinet without salaries. He might name, for example, a former Lord Lansdowne, the late Duke of Wellington, and the present Earl Russell. He confessed he was much disappointed by the speech of the right hon. Gentleman. He (Mr. Otway) had never been an advocate for diminishing salaries, or for depriving men of the remuneration to which they were fairly entitled; but the present case was one which stood on a different footing, for in the face of those professions of economy the Government were retaining an office to which no duties attached, for the mere purpose of retaining the services of a "handy man" in the Cabinet, who was capable of affording them his advice and assistance in their general deliberations. He fully recognized the high qualifications of Lord Halifax, and believed it would be difficult to find a nobleman better versed in the duties of an Administration—in deed, he had a great respect for the noble Lord—nevertheless he saw no reason why the office of Lord Privy Seal should be retained. As to last year's division, there was a strong feeling 14 or 15 years ago for the abolition of the office, and he believed Mr. Wyse once obtained a majority, or very nearly a majority, on the question. In conclusion, he must say that he could not for such insufficient reasons as had been advanced vote with his right hon. Friend, whom he otherwise willingly followed, in favour of a useless and expensive office.

MR. BAXTER said, he had heard with great surprise the speech of his hon. Friend the Member for Chatham. He would, however, at once admit that some years ago there was a strong feeling for the abolition of the office, and that the question was once carried against the Government. That feeling, however, had changed, owing to such arguments as those urged by his right hon. Friend at the head of the Government, for many strong economists and advanced Liberals had seen the force of those arguments. He himself was one of them, and changed his opinion on the subject long before he became a Member of the Government. Lords Lansdowne and Russell had sat in the Cabinet without

office or salary, but at that time there was a Lord Privy Seal also, the work of the Cabinet being so onerous that even his assistance was insufficient. He ventured to submit to his hon. Friend the Member for Swansea that the duties performed by the Lord Privy Seal were of a most onerous and important character, and that his hon. Friend advocated a false economy on this subject, for if his view were adopted by the Committee, the consequence would be that the country would soon have to pay for assistance to the Cabinet a much greater sum than the amount of this Vote.

MR. A. GUEST said, he quite concurred in the justice of the declaration made by the right hon. Gentleman at the head of the Government, that it was of great importance to the Government that they should have the benefit of the advice of such a high authority as the Lord Privy Seal. As there were no departmental duties to be carried out in the office of the Lord Privy Seal, it might have been reasonable on the part of the hon. Member for Swansea to move a reduction of the Vote by £600, the salary of the secretary and other officials; but it was most unreasonable to move the rejection of the Vote altogether.

MR. A. JOHNSTON said, that there was one aspect of the case which had not been alluded to by any hon. Member, and therefore he must trespass on the Committee for a few moments. He should be the last to deny that Ministers were overworked, or that it was desirable to have one or two Members of the Cabinet practically without portfolio, to relieve their Colleagues of a portion of their burdens. But who were the Ministers who were overworked? Were they the Ministers in the House of Lords, who, except on rare occasions, adjourned at 7 o'clock, and went home to dinner, and in due time, he hoped, to bed? No; they were the Ministers on that bench, who were all day at their Departments, and all night in the House of Commons. And yet what was done? Few had these sinecure offices—the Privy Seal and the Duchy of Lancaster—and they gave them both to Peers! He was bound to say that as long as the overworked Ministers were in that House, and the means of relieving them were carefully kept in the other, he should vote with his hon. Friend.

Mr. Otway

Question put.

The Committee *divided*:—Ayes 193; Noes 57: Majority 136.

Vote *agreed to*.

(3.) £14,133, to complete the sum for the Charity Commission.

MR. A. JOHNSTON said, the Vote had been condemned by economists, the Government, and the Opposition for the last seven or eight years, and yet it was still retained. It was a disgrace to their consistency and ingenuity—if not their honesty—that they should still annually pass this Vote, simply because they could not decide on a practical scheme for getting rid of it. The difficulty in dealing with it was the mode of meeting the necessary expenses, and a Resolution had last year been carried on his (Mr. A. Johnston's) Motion to the effect that the imposition of an income tax on the endowed charities of the country would furnish a fit method of meeting that difficulty. There were, however, certain objections to that method, because those beneficially interested in those charities were persons having under £100 a-year, whom it was not fair to call upon to pay income tax. But he would suggest to the Committee that it was competent for them to fall back upon a tax against which no such objection could be alleged—he meant the legacy and succession duties. The Vote which the Committee was asked to pass constituted in reality a very small portion of the cost of the Commission, which was not to be computed at less than £50,000 a-year, and if the legacy and succession duties were extended to those, and also to other corporate properties, a large amount of property would be reached which had no pretence to be called a charity of any kind. For instance, the halls and other property belonging to the City companies escaped the succession duty. It was true they claimed to hold a portion of their property for charitable purposes, but there was really no pretence for claiming exemption under such a ground. He begged in conclusion to say that he should oppose the Vote.

MR. SCLATER-BÖOTH said, it was unnecessary then to go into the broad question of taxing charities, still less the imposition of any income tax on their property. There was an increase in the Vote this year of £677 which required explanation, and also why the Resolu-

tion with reference to this subject passed in 1868 had not been carried into effect. He should like to know from the Government whether they had any proposal to submit to the House on the subject?

MR. CADOGAN joined in the hope that the Government would be able to reduce this Vote, if not abolish it. There was no reason why charities representing such enormous sums of money should get their work done at the expense of the country.

MR. BAXTER said, he was not at all surprised at the objection to this Vote, for he himself was opposed to it strongly, and he was sorry that his official position rendered it necessary that he should defend it. The increase in the Vote arose from the additional work of the office, from the fact of there being upwards of £4,000,000 to be dealt with. He admitted that, after the strong opinion pronounced by the House of Commons, the Government, when time and opportunity offered, were bound to propose a scheme for throwing the expense of this Charity Commission upon the charities themselves; but, at the same time, any scheme of that sort was not likely to pass through the House of Commons *sub silentio*, and time and opportunity had not yet offered for a measure on the subject—a result at which he confessed his own personal disappointment. If the hon. Member for South Essex would have a little more patience, he had no doubt that before long the hon. Gentleman would find that his views would be carried out.

MR. HUNT said, he was afraid the hon. Gentleman would have to exercise a great deal of patience on the subject before that event would take place. He (Mr. Hunt) had brought forward this question in 1869, when a debate of a somewhat acrimonious character occurred; he hoped, however, that the spirit of that debate would not be imported into the present one. It was then pointed out that the right hon. Gentleman (Mr. Gladstone) had pledged himself in 1868 to the principle now assented to by the Secretary to the Treasury; but the present Government had been in office for some years, and if they had done nothing hitherto, when could any measure be hoped for from them? This was not a question of putting an income tax on charities, but of making charities pay for their own administra-

tion—a much smaller question. Any such measure should have his hearty support, and he did not believe the House generally would dissent from it.

MR. ALDERMAN LUSK said, the Secretary to the Treasury was rather given to feel strong objections to things, but he never removed what he objected to. If the Government would only turn their attention to the subject, he felt certain they would be able to find some remedy. His objection was not to the office, but he thought the State ought to have, at least for management, a commission on the £4,000,000 and upwards which the Charity Commissioners managed at an expense to the State of £18,000 a-year. Such an office did a great deal of good, but it ought to be self-supporting.

THE CHANCELLOR OF THE EXCHEQUER said, the question was narrowed to a single point, and it was but natural that hon. Members should express their opinion upon it as they had done. They had to consider how best they could make the charities for which the Commissioners did their work, pay for it themselves, and not the taxpayers of the country. The subject had been well considered, but descending from generalities, he had not been able to see—nor did he know anyone who had been able to see—how it could be done. The Charity Commission was a very peculiar office. It really did the charity business formerly done by the Court of Chancery, conducting this business in the most simple and patriarchal manner. It was guided by no rules of evidence; it obtained its information though letters, or inquiries made by its own Inspectors; it heard no counsel; there was nothing formal in its proceedings; and it was exceedingly difficult to see how you could fasten a system of fees upon a procedure of this kind. Again, that being a voluntary jurisdiction, if they were to load it with fees, they would stop the immense amount of good which was being done. It rested generally with the trustees of charities whether they would go before that tribunal or not; and the effect of its action being frequently to limit the power of trustees, and force on them things which they did not like, if a tax were put on those proceedings, it would always be in the power of trustees to say they could not find the money for them. With regard to the £4,000,000 placed in the hands of the Commis-

Mr. Hunt

sioners, for instance, that was entirely a voluntary proceeding on the part of trustees. It was most desirable for the sake of the charities that that money should be placed in safe custody; but supposing the money so placed were to be taxed while those who did not put it in such keeping were untaxed, that would counteract the very object for which the Board was established. Therefore, he was most unwillingly driven to the conclusion that it was not in the way of fees upon the money or property administered under the jurisdiction of the Charity Commissioners that they could possibly raise the sum which was required. The only mode of doing it was, as suggested by the hon. Member for South Essex, by putting something in the shape of a succession duty, or an income tax on charities. They had had some experience of the difficulties of such matters; and if the Government, with the numerous other subjects they had in hand, had not embarked on that further sea of troubles, they might, he thought, be pardoned, because there was no question in the whole region of politics on which the opinion of the country was so far behind, and so little prepared to grasp true principles as that of dealing with charities, and there was none, too, on which they were so sure to receive from all quarters—no doubt from the best feeling and with the utmost sincerity—a blind, bigoted, and pertinacious opposition. Therefore, there was nothing for them but to go on a little longer, hoping the public would come to take a sounder view of that subject, and until the mind of the community arrived at the conviction that the world was made for the living and not for the dead, he despaired of carrying any large or reasonable measure on that matter.

MR. CANDLISH said, he thought the Government, with so ingenious a Chancellor of the Exchequer, might easily discover some mode of getting rid of a tax which was of no particular credit to the nation. He trusted the hon. Member for South Essex would not divide the House, but would, early next Session, move for a Committee on the subject.

MR. GLADSTONE said, the Government were perfectly in earnest in the opinion they had expressed; but they felt that the House could not now spare the time which would be required for giving effect to them; at the proper time,

however, they would be prepared to do so. If the hon. Gentleman could forward the matter through a Committee, however, the Government would give him every assistance.

MR. A. JOHNSTON said, he did not wish to cut down the expenses of the Commission—in fact, they ought to be very much increased, and the Commission made more powerful and effective; but he objected to the way in which they were raised.

Vote agreed to.

(4.) £12,166, to complete the sum for the Civil Service Commission.

MR. ALDERMAN LUSK asked for explanation as to the amount, as he had some doubt as to whether the number of Civil servants employed by the Commission was not too great.

MR. BAXTER said, that no fewer than 18,022 persons applied to be examined last year by the Civil Service Commission, and on the suggestion of the hon. Member for Surrey (Mr. Cubitt), a circular was sent to each of the disappointed candidates; but as they numbered upwards of 12,500, a considerable expense was incurred. He could not hold out the hope that the expenses of the Department would be reduced.

MR. CUBITT said, that the complaints which had induced him to make the proposition had since ceased; but inasmuch as each candidate paid, he believed, £1, he did not think that the Minister could grudge 2*d.* to him to inform him of the result of his application.

MR. BAXTER said, it added greatly to the work of the office.

MR. RYLANDS pointed out that if each candidate paid £1, it would more than cover the whole expense of the Commission.

MR. BAXTER said, that it was a mistake, 5*s.* only being paid.

MR. RYLANDS said, that even that fee would make a large portion of the Vote. He would recommend the hon. Gentleman the Under Secretary to look a little more carefully into the Votes for the future. Putting all that on one side, however, he must say that he believed the Commission to be a very efficient one.

Vote agreed to.

(5.) £14,083, to complete the sum for the Office of the Copyhold, Inclosure, and Tithe Commissions.

MR. BOWRING said, he must complain of the manner in which the accounts relating to this Vote were kept, which prevented the receipts of the Commission being compared with its expenses, so that no one could tell whether or not it was self supporting.

COLONEL BARTTELOT said, he must complain of the long delay in producing the promised Enclosure Bill. He would like to know whether it was the intention of the Government to bring in a measure dealing with enclosures during the present Session?

MR. LEEMAN said, that while there were at that moment no less than 8,000,000 acres of unenclosed land existing in the country to its great loss, yet the Office of the Enclosure Commissioners had been practically shut up during the last two years. It was, therefore, urgently necessary that some immediate steps should be taken by the Government towards legislating on the subject.

MR. F. S. POWELL said, he concurred in the remark just made, and thought that while it was desirable the waste lands in country districts should be enclosed, great care should be taken in the enclosure of commons in the neighbourhood of large towns, that ample ground should be appropriated for the recreation of the people. In the Fell country, there was the greatest confusion among agriculturists from want of enclosures, no man being able to claim his own rights.

MR. COWPER-TEMPLE said, that enclosures had chiefly been resisted, because a disposition was shown to deprive the labouring classes of recreation grounds. For that reason, he thought that in the enclosure of waste lands provision should be made so as to enable the labourers to obtain a portion of them for cultivation.

MR. BRUCE said, that when the Government had introduced Bills on this subject they had met with considerable opposition in some quarters, on the ground that the measures did not do enough for the people, and in others on the ground that they did too much for them. The only reason for the delay in the introduction of a measure on the subject during the present Session was, that it was impossible to put aside larger measures in order to make way for an Inclosure Bill. The Government in-

tended to bring in a Bill on the subject as soon as possible.

MR. LEEMAN said, he would suggest that the subject was one to which the other House might beneficially turn their attention.

MR. CUBITT, said, he regarded the want of accurate information on the subject as being the great obstacle to the passing of an Inclosure Bill, and thought they could deal much better with the question when the promised Bill came before them.

MR. ALDERMAN LUSK said, he hoped the Government would take care in Inclosure Bills of the interests of the great mass of the people.

Vote agreed to.

(6.) £7,750, to complete the sum for the Imprest Expenses under the Inclosure and Drainage Acts.

(7.) £28,506, to complete the sum for the Department of the Comptroller and Auditor General of the Exchequer.

MR. ALDERMAN LUSK said, that the recent defalcation of about £8,000 at South Kensington ought to have been discovered sooner.

Vote agreed to.

(8.) £48,538, to complete the sum for the Department of the Registrar General of Births, &c. in England.

MR. F. S. POWELL asked when the further Report of the Census would be published?

MR. BAXTER said, he could not give a precise answer; but believed the Report would not be long delayed.

Vote agreed to.

(9.) £11,181, to complete the sum for the Office of the Commissioners in Lunacy in England.

(10.) £13,377, to complete the sum for the National Debt Office.

(11.) £20,428, to complete the sum for the Charges connected with the Patent Law Amendment Act.

MR. HINDE PALMER, in commenting on the £3,450 paid to ex-Law Officers of Scotland and Ireland as compensation, said, that while the Patent Commission consisted nominally of the Lord Chancellor, the Master of the Rolls, and the Law Officers of the Crown for

Mr. Bruce

England, Scotland, and Ireland, in consequence of the numerous engagements of the Commissioners, the duties devolved practically on Mr. Woodcroft, the Secretary to the Commission. The Master of the Rolls had himself stated that the present Commission was worse than nothing; and the Select Committee which had lately inquired into that subject had recommended that some practical and scientific men should be added. There was £60,000 a-year available for the establishment of a good, permanent Museum of Patents, instead of the temporary shed at South Kensington, where they were kept in such a state that it was impossible to make any use of them. In fact, the Museum of Patents was in a most disgraceful condition, having regard to the eminence this country had attained in practical inventions. Models of inventions were huddled together at the Museum in such a manner that inventors or people of science could not discover the nature of those inventions or the machinery by which they were carried into effect, and, therefore, could not obtain from them any guide whatever as to the taking out of patents for the future. As one of the Members of the Select Committee, he had thought it his duty to call attention to that state of things.

MR. F. S. POWELL regretted that on the subject of the Patent Museum the Government still halted between two courses. He feared, however, the Government would find it impracticable to establish in this country such a Patent Museum as the very valuable one at Washington, in consequence of the vast number of English inventions.

MR. BAXTER said, the Government had been waiting for the decision of the Select Committee, whose Report, he believed, was not printed till last month. It would be the duty of the Government carefully to examine that most valuable Report during the summer.

MR. MACFIE said, he hoped the Government would consider how the Commission could be made a real working Commission; not merely in the interest of inventors, but of the trade of the United Kingdom.

MR. ALDERMAN LUSK said, it was extravagant to vote so much money for the Patent Office, when the Master of the Rolls said the whole work could be done by one clerk. He also thought it

desirable that the Patent Commission should consist of practical men connected with manufactures.

Vote agreed to.

(12.) £18,841, to complete the sum for the Department of the Paymaster General in London and Dublin.

In answer to Mr. RYLANDS,

MR. BAXTER explained that formerly certain officials connected with the assessing and collecting of the income tax in Government Departments were paid by poundage; but it was now proposed to alter that system, and pay the officials by salary only. That had rendered it necessary to make an addition of 8 per cent to the present rate of remuneration.

Vote agreed to.

(13.) £239,849, to complete the sum for the Local Government Board.

MR. F. S. POWELL said, he wished to call attention to the reduction of the salary of the Medical Officer of Health from £2,000 to £1,500, and to the valuable Report of Dr. Buchanan upon the health of the operatives employed in the weaving trade. Other factory operatives suffered from the dust scattered through the rooms, and their health was also affected by the emanations of gases and other impurities generated during the process of manufacture. He therefore trusted that the medical men at the disposal of the Department would be directed to make other investigations of the same useful kind. It was, he added, of vital importance to the artizan population in manufacturing districts that the system of inspection of workshops, &c., should be efficiently carried out; but, by making unnecessary exemptions and otherwise, the Government had, during the last two years, inaugurated a policy in this matter which was inimical to the interests of the labouring classes.

MR. WINTERBOTHAM said, he must deny that the policy of the Government had been unfriendly to the factory operatives. The exemptions granted under the Workshops Act were not granted without cause. He could only meet a general statement by a general denial; but not one exemption was ever allowed, except after careful inquiry by the sub-Inspector, the Inspector, and, at all events, the Under Secretary of State. It was necessary that some elasticity should be given to the operation of the

VOL. CUXI. [THIRD SERIES.]

Workshops Act, which would otherwise be wholly unworkable.

MR. STANSFELD explained that the salary of the Medical Officer of Health had been raised two years ago from £1,500 to £2,000; but the Treasury on a subsequent consideration of the Act of Parliament under which he was appointed, thought it desirable to take the opinion of the Law Officers of the Crown upon the legality of the increase, and they were ultimately advised that it was contrary to the Act.

Vote agreed to.

(14.) £16,467, to complete the sum for the Public Record Office.

MR. PIM said, he would suggest that means should be taken to render the interesting publications issued by this Department more generally useful.

MR. WHEELHOUSE said, he thought that any surplus copies of the public statutes should be sent to our public libraries in large towns.

MR. M. CHAMBERS said, he wished to express his extreme gratitude to the Master of the Rolls for having devoted his careful, determined, and learned attention to our ancient records, with the view of making the country acquainted with them. If copies of these records were sold by the Government even at a loss, the result would be a gain to the country.

MR. BAXTER, in reply to the suggestion of the hon. Member for Leeds (Mr. Wheelhouse), said, he could promise that the subject should not be lost sight of.

Vote agreed to.

(15.) £2,993, to complete the sum for the Establishments under the Public Works Loan Commissioners and the West India Islands Relief Commissioners.

MR. CANDLISH said, he would suggest that the Department should be made self-supporting.

SIR GEORGE GREY said, he was apprehensive that mischief would arise from an attempt to make the Department self-supporting.

MR. BAXTER having pointed out how small a sum was now asked for compared with the amount of work done.

Vote agreed to.

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(16.) £1,619, to complete the sum for the Offices of the Registrars of Friendly Societies.

THE CHANCELLOR OF THE EXCHEQUER, in reply to Mr. CANDLISH, said, that the Commission on Friendly Societies, which was appointed in 1869, not having yet made their Report, the Government were not in a position to introduce a measure on the subject.

Vote agreed to.

(17.) £297,658, to complete the sum for Stationery, Printing, Binding, &c.

MR. PIM said, he would suggest that a considerable sum might be saved by printing the Reports of Committees without the minutes of evidence.

MR. MACFIE said, that a large profit was derived from *The Gazettes*. Having regard to the object of those publications, and the splendid field they opened up as an advertising medium, he thought they should be sold at cost price, and that they should be issued more frequently. He would suggest that *The London, Dublin, and Edinburgh Gazettes* should form one national *Gazette*; and that before waste returns were sold as waste paper they should be advertised, so that some bookseller might purchase at a low rate those documents which were most valuable to the public, but of which the public were not aware in consequence of their not being advertised. He must say that the steel pens supplied to that House were the worst supplied anywhere.

Vote agreed to.

(18.) £18,727, to complete the sum for the Offices of Woods, Forests, and Land Revenues, &c.

MR. ALDERMAN W. LAWRENCE said, that the promised information with reference to the New Forest had not been given this year. The gross receipts were put down at £12,824, and the expenditure at £12,081, leaving the net receipts at £743. Minute details were given of the expenses of management of the office connected with land revenue and mines, but there were no details of the revenue derived from the rents of houses. He wished to know under whose management the Department was, because the office of Woods, &c., had never been very celebrated for the advantageous leasing of property belonging to the Crown in the neighbourhood of the

Thames Embankment. He should like to know what plan had been adopted for turning to good account that most valuable piece of land lying between the Thames Embankment and Whitehall, and extending nearly from Northumberland House to the Duke of Buccleuch's, the leases of the houses on the land having already expired? It had been suggested that a new street should be constructed from opposite the Horse Guards to the Thames Embankment; but as the Woods and Forests said it should be constructed at the expense of the public by the Metropolitan Board of Works, and as they declined to make it, it had not been made. There ought to be a searching inquiry into the system of management by the Woods and Forests, who ought not to be allowed to act without reference to public improvements. So large was the amount of property under the care of the Commissioners that the House ought to inquire whether they really afforded facilities for making public improvements, instead of simply endeavouring to realize as much money from the estates as they possibly could. They were, in fact, a subordinate department of the Government, though they acted as if they were independent of the control both of the Government and of that House.

MR. M. CHAMBERS said, he was often asked what the "Woods and Forests" were, but he was never able to tell. He was always being told what mischief the Woods and Forests were doing, and he replied that perhaps it was so. He would at once admit that the Thames Embankment was a grand improvement, but he could not refrain from telling what he heard outside the House respecting a lease which it was said the Crown had granted to a great personage who had a river frontage, and whose house, to the astonishment of the public, had lately been very much improved. That river frontage was nothing but a mud bank; yet he was informed that £18,000 had been paid as compensation to that great personage, and that the Commissioners of Woods and Forests represented the Crown in the matter, and granted the lease. He feared that the Woods and Forests would always obstruct any improvement which might be beneficial to the public, in consequence of its peculiar constitution. It was not the duty of those who repre-

sented the Crown interests, which were no more than public interests, to look at the "cost money principle;" but they should consider what was for the benefit of the public, whom they really represented.

MR. GOLDNEY complained that no adequate information was furnished to the public as to what the land revenues of the Crown, consisted in, and the nature of the duties performed by the Woods and Forests. Some alteration ought, he thought, to be made in that respect. He also wished to call attention to the last item in the Vote—namely, the expenses of the Office of Land Record and Enrolments, and would ask for some information on it, the last Report having been made in 1796?

MR. ALDERMAN W. LAWRENCE asked whether any plan had been made for the purpose of laying out the property opposite the Public Offices for the benefit of the Crown and the Land Revenues?

THE CHANCELLOR OF THE EXCHEQUER said, that there was no plan at present, and it was uncertain how long the Government would retain it. He would adopt Mr. Goldney's suggestion, and give some information in the Votes next year as to the work of the Land Record Office.

MR. ALDERMAN W. LAWRENCE remarked that Mr. Pennethorne had made a plan before he left office which had not been carried out.

Vote agreed to.

(19.) £29,757, to complete the sum for the Office of Works and Public Buildings.

SIR COLMAN O'LOGHLEN asked for an explanation as to an order which it appeared had been issued by the First Commissioner of Works, not to light the Library of the House with candles. Gas, he said, might do very well for youthful, but might be found inconvenient to old, eyes.

MR. AYRTON said, he had issued no order on the subject himself. An experiment of lighting one room of the Library with gas, on an improved principle, was being tried, but if hon. Members could not see to read, it was very little consequence what light they had. He believed that the new gaslights enabled people who were blessed with good sight to read the smallest print.

SIR COLMAN O'LOGHLEN thought that gaslight was somewhat objectionable to many persons who had to read or write under it.

MR. WHITWELL, referring to the sum of £2,000 for the cost of the Solicitor's department, asked whether a considerable saving might not be effected by consolidating the legal departments of the several public offices?

MR. AYRTON said, he was afraid it was impossible to decrease that expenditure. A vast deal of legal work had to be done in consequence of the power vested in the Office of Works to acquire land by compulsion, and the advice of counsel had constantly to be resorted to in the investigation of titles, conveyancing, &c., and many questions arose in reference to the settlement of contracts. If they had one legal staff to do the legal business of all the Government Offices, questions would arise as to the precedence to be given to the work required for particular Offices, and he feared such a system was hardly practicable. The legal adviser of that Department and his clerks were very fully occupied.

MR. OTWAY said, he objected to the employment of Government writers at so small a payment as 5s. a-day. He wished to ask whether, if these writers were unemployed for a day, their pay of 5s. was deducted? It must be remembered that no pension was allowed to them—no provision of any sort; and he should be glad to know how the matter stood in reference to the deduction of the day's pay?

MR. AYRTON said, that these writers were persons who copied. They were not clerks, but mere mechanics. Their occupation was mechanical, and, whether they were paid by the day or by the folio, they were usually paid simply according to the amount of work done. They were not on the permanent establishment of the Government, and, of course, when not employed they were not paid, just like other workmen.

MR. SCLATER - BOOTH said, he thought the answer of the right hon. Gentleman was not quite satisfactory. The real fact was, that many of these writers—whatever the nominal tenure of their office—were employed from day to day, and from week to week, and from year to year, and had been so employed for many years. It was not surprising,

then, that these persons—whom one was not accustomed to hear called “mechanics”—should feel aggrieved at their present position.

MR. GOLDNEY said, he thought that the simplest way would be for the Government, when it required the services of these persons, to contract with any law stationer for the number required at the regular price of 5s. per day.

MR. BOWRING said, that not only had many of the writers entered the public service with the expectation of regular employment, but that lately the salary of various writers of whom he had personal knowledge had actually been reduced, and if they had declined to accept it dismissal was their only alternative.

THE CHANCELLOR OF THE EXCHEQUER, in reply to the observation of the hon. Member for Exeter, said, the salaries of the writers had not been reduced.

ALDERMAN SIR JAMES LAWRENCE said, on the contrary, that instances had been communicated to him of writers whose salaries had been permanently reduced, and who were now paid less than they were paid some time ago. He could inform the right hon. Gentleman of three instances in confidence, and withholding the names of the persons.

MR. OTWAY said, that he had information similar to that of the hon. Gentleman who had just spoken. He must say also that he had never heard the term “mechanic” applied before to educated gentlemen who discharged duties in Government Offices. These writers used to be allowed a certain portion of leave, which was now withheld, and he did think that that indulgence might be restored to them, for they were a class least able to protect themselves, and their case was a very hard one.

Vote agreed to.

(20.) Motion made, and Question proposed,

“That a sum, not exceeding £18,100, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1873, for Her Majesty's Foreign and other Secret Services.”

MR. RYLANDS said, he might remind the Committee that this Vote stood now in a different position from that which it had occupied in former years.

Mr. Sclater-Booth

The expenditure of Secret Service money had been brought under the operation of the Exchequer and Audit Act, and in consequence of pressure put upon the Foreign Office, the unexpended balance of former years, amounting altogether to £27,000, had been surrendered to the Exchequer. In the present Estimate, also, there was a reduction of £900, in consequence of the salaries paid to Mr. Hammond and the Oriental Interpreter having been withdrawn from the Vote. That was, no doubt, an improved state of things; but he considered the expenditure of Secret Service money so objectionable in practice, that he should ask the Committee to put a stop to it. It appeared to be the custom of the Foreign Department for Ministers abroad to draw bills from time to time on account of Secret Service money; and so long as they kept within the usual amounts, no inquiry was made, but for any extraordinary expenditure some explanation would be required. That system was obviously open to abuse, and, no doubt, led at the various Missions to unnecessary and wasteful expenditure, within the limits in which the payments would be passed without check or inquiry. He asked the Committee to consider what were the objects for which Secret money might be required. There were objects which might be openly avowed—the salaries, for instance, of naval and military *attachés* appointed to make inquiries—about which there need be no disguise—respecting the naval and military operations of foreign Powers. So, also, inquiries as to any matters of general interest connected with public proceedings of foreign Governments, upon which special agents might be engaged, ought to be placed on the Estimates without any attempt at concealment. But it would no doubt be urged that our Government might properly seek to obtain information likely to be of importance to our interests, but which it might be the policy of foreign Governments to keep secret. He did not think that in the present state of our foreign relations, and of our avowed foreign policy, there could be any secret plans of foreign Governments that it was necessary for us to take extraordinary measures to find out; and even if it were necessary to take any such extraordinary means, he was quite satisfied that we should never succeed by spending

£10,000, or £20,000 a-year of Secret Service money. With our present foreign policy, Secret Service money was an anachronism—it belonged to the days of the “meddling-and-muddling” policy of Lord Palmerston and Lord Russell. We now professed the doctrine of non-intervention in the dynastic arrangements of Europe, and we did not seek to interfere with the domestic policy or territorial changes of any of the States. If any secret intrigues on such matters existed, they did not concern our interests. So also with trade questions. We now rested upon a Free Trade policy. We had no favour to ask, and had no interests to promote as opposed to other nations. The Prime Minister in his speech at the Mansion House had held forth the great object of our foreign policy to be to create in the minds of other people the belief that we were impartial, and aimed at the noblest and highest objects, and that our policy was not governed by base or narrow motives of selfishness. Nothing could be more calculated to create this confidence than to let foreign Governments know that we seek to promote no objects by intrigue, or secret corruption, or by immoral means. If we were unfortunately involved in a European war such as that against the First Napoleon, no doubt there might be some reason for expending Secret Service money. But he believed that even at that period of our history, there was great abuse and speculation, and that the value of Secret Service money had been exaggerated. His hon. and learned Friend the Member for Oxford (Mr. V. Harcourt) said the other evening that the £40,000 paid out of the Secret Service money for a copy of the Treaty of Tilsit was well expended. It was supposed that that large sum of money was paid by the British Ambassador to the mistress of the Russian Minister for a surreptitious copy of the Treaty—but he was not aware that the alleged transaction was authenticated in history. He suspected that the account was mythical, except in relation to the £40,000, which was, no doubt, drawn out of the Secret Service money by some person. But what he contended was that, even if the account were true, the early possession of the copy of the Treaty could be of no use to England, when the great fact of the submission of Russia to Napoleon must have been im-

mediately known to all the world. He should like to know how the possession of the copy of the Treaty of Tilsit enabled England to oppose with greater effect the results necessarily flowing from the alliance of Russia with France. But he need not press further the consideration as to the use of Secret Service money in times of war—they were fortunately not at war, and not likely to be—and he contended, therefore, that there was no excuse for spending Secret Service money, because there was nothing for us to find out that would not come to us in other ways. The late Lord Clarendon said in the House of Lords, in May, 1866, that—

“There is now little of that secret diplomacy which in former days so much prevailed. There is on the part of every Government—such is the force of public opinion—so great an anxiety to appeal to it, and obtain its support, that despatches of the most important character and entailing the gravest consequences are no sooner delivered than they are published.”—[3 *Hansard*, clxxxiii. 572.]

That was, in fact, the whole gist of the question; and he (Mr. Rylands) went further, and said that, tested by experience, it had been proved that the employment of Secret Service money had during the past 20 years been a failure. He challenged the Foreign Office to show that during that period they had obtained priority of information by the employment of Secret Service money, or gained by it any single important object of national interest. Let them grant a small Select Committee of that House to make a secret and confidential inquiry into the expenditure, and the whole thing would be exploded. He could tell them what they had not done. They had never found out the negotiations between France and Prussia several years since, which were continued for some time, and which culminated in the draft treaty drawn up by Benedetti and Bismarck, the existence of which was never suspected by the Foreign Office until the intelligence in *The Times* one morning startled the country, and no one more so than the Foreign Secretary himself. Probably it might not have been very material for them to know what Benedetti and Bismarck were plotting; but, at least, it would have prevented Lord Stanley convening the Conference in London in 1867 on the Luxemburg question, and being entrapped into joining a Treaty of Guar-

rantee which might have involved this country in some complication, under the impression that the dispute as to Luxemburg was the only occasion of difference between France and Prussia, whilst, in fact, it was the mere fringe of a much wider divergence of interests, and of a serious antagonism of policy. He would ask, in conclusion, why these payments for Secret Service should be continued? They might be used as bribes to unscrupulous persons, whose information was very unreliable; or they might be given to people in exchange for no value at all. In any case, he thought the existence of such payments was discreditable to the Government of this country, and that they ought to be discontinued. With that view he would beg to move the reduction of the Vote by £10,000.

Motion made, and Question proposed,

"That a sum, not exceeding £8,100, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1873, for Her Majesty's Foreign and other Secret Services."—(*Mr. Rylands.*)

VISCOUNT ENFIELD said, his hon. Friend the Member for Warrington had adopted a somewhat different course with regard to the Secret Service Vote from what he did in the previous Session. Last Session his hon. Friend said that if he (Lord Enfield) could assure him that the money was properly expended, he would never question the Vote again, and he was good enough to accept his assurance. This evening he took a different line on a very fair ground—namely, that the expenditure of Secret Service money was altogether alien to the spirit of the age, and asked him whether during the last 20 years the Foreign Office had derived any advantage and information from the expenditure of the money. He need hardly remind his hon. Friend that he had occupied his position in the Foreign Office only 18 months, and therefore he could not give any account on that subject with reference to a period before he became connected with the Foreign Office. But during the time had been in the Foreign Office he believed that some valuable information had been obtained through the expenditure of Secret Service money, and that the same thing could be said for the other 18½ years. The question

Mr. Rylands

before the Committee was a very simple one. For many years past the Secretary of State had thought it not unfair to demand that he should be entrusted with a certain sum of money for the purpose of being expended in obtaining such information as he thought advisable from different parts of the Continent. At the end of the financial year the Secretary of State had to render an account to the Treasury of the money that had been expended. It rested with the Treasury to decide how the money should be expended. This Estimate had been reduced during the last three years by £10,000. He believed the amount that would be required this year by the Secretary of State was £15,000. If the Committee thought that money ought not to be entrusted to the Secretary of State, in order to obtain most valuable information and for the management of his Department, let it be so. He merely asked the Committee to remember how often the House of Commons had entrusted Secretaries of State with money for these purposes, and hoped the Committee would support the Vote.

Question put.

The Committee *divided*:—Ayes 35; Noes 166: Majority 131.

Original Question put, and *agreed to*.

(21.) Motion made, and Question proposed,

"That a sum, not exceeding £4,667, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1873, for the Salaries and Expenses of the Department of the Queen's and Lord Treasurer's Remembrancer in the Exchequer, Scotland, of certain Officers in Scotland, and other Charges formerly paid from the Hereditary Revenue."

MR. ALDERMAN LUSK said, he should like to know how it was that this year they were asked to vote a sum for Queen's Plates in Scotland, seeing that a similar Vote was struck out of the Estimates two years ago? He begged to move that the Vote be reduced by £197 13s.—the sum asked for a Queen's Plate to be run for at Edinburgh, and a Queen's Plate for the Caledonian Hunt.

Motion made, and Question proposed, "That the Item of £218, for the Queen's Plates, be reduced by the sum of £197 13s."—(*Mr. Lusk.*)

Mr. BAXTER said, his hon. Friend the Member for Finsbury asked him why this Vote had been struck out of the Estimates. It was struck out in consequence of the representations made by the Scotch Members who were present in the House two years ago. The Vote on that occasion received no support, and the then Secretary of the Treasury withdrew it; but since then it had been represented to the Government by a considerable majority of the Scotch Members, that they did not approve of the statement which was then made in their name, and the Government, considering that it was a small matter, and that a sum of money was voted annually for a like purpose in Ireland, acceded to the wishes of the majority of the Scotch Representatives, and restored the Vote in the Estimates.

Mr. A. JOHNSTON, referring to a sum of £719 for the Lyon King at Arms and Heralds' Office, wished to know whether it was really the case that they were asked to vote this money to facilitate rich gentlemen, who had made money at Glasgow and Galashiels, being granted coats of arms, or whether any of this sum was returned into the Treasury in the shape of fees? He had been weak enough once to write to the Lyon King at Arms in Scotland to ask some question respecting his family bearings, and he immediately received a demand of 12s. for an answer, so that he supposed there really was a return of fees; but, if so, why was it not stated on the Vote as in the case of other Votes?

Mr. M'LAREN said, he should support the Amendment which had been moved to reduce the Vote by the amount asked for the Queen's Plates. The hon. Gentleman the Secretary to the Treasury had said that a considerable majority of the Scotch Members had asked that this Vote should be restored, because they did not agree with the statement made in their name when it was first struck out of the Estimates. Now, he (Mr. M'Laren) was present when it was first struck off. He took part in the discussion on that occasion, and he was not aware that any statement whatever was made in their name. All Members present from Scotland who spoke on that occasion spoke against the Vote. There was no person lifted his voice in favour of it, and there certainly was no state-

ment made by any person professing to have authority from any other person, but all present disapproved of the Vote, and it was withdrawn. He held there was no reason whatever for putting it in again; and assuming it to be a fact that a majority of Scotch Members had asked that this Vote should be restored, he was quite sure that the hon. Gentleman the Secretary of the Treasury would not venture to say that the majority of the people of Scotland or the majority of the people of Edinburgh—where one of the plates was run for—were in favour of it. He believed that if heads were counted in Scotland a very small minority indeed would be found to support this Vote. He objected to it as a waste of public money.

Mr. SCLATER-BOOTH said, he thought that the Government had gone a little too far, for the Vote having been once withdrawn, a better reason than that alleged by the Secretary of the Treasury should have been given for its re-appearance in the Estimates.

Mr. ANDERSON said, he should like to know how the Government arrived at the conclusion that the majority of the Scotch Members were in favour of this Vote. His objection to these plates was that they were granted out of money voted by Parliament, whereas the English plates came out of the Civil List, and were really Queen's Plates. He had not the slightest objection to the Queen giving plates in Scotland and Ireland also; but he entirely objected to the Queen giving plates in England, and making Parliament give them in Scotland and Ireland.

Mr. MACFIE said, he had to thank Her Majesty's Government for what they had done in this matter. There was a feeling amongst the Scotch Members of something like indignation, that what they had enjoyed for centuries, and which was formerly paid out of the hereditary revenues of Scotland, should have been suddenly withdrawn. If the Queen's Plates were taken away from Ireland, they would have no objection to cast their lot in with the sister country. He thought it particularly his duty to thank Her Majesty's Government for restoring this Vote, inasmuch as for one or two years the Queen's Plate had been run for within the limits of the burgh which he had the honour to represent.

MR. MITCHELL HENRY said, he objected to the hon. Member for Glasgow (Mr. Anderson) for proposing to discontinue the Vote for Ireland. If this Vote were so very distasteful to the people of Scotland, let the money be given to Ireland, where it would be received with gratitude.

Question put.

The Committee *divided*: — Ayes 78; Noes 116: Majority 38.

Original Question again proposed.

MR. A. JOHNSTON said, he would move to reduce the whole Vote by £719, that being the amount required for the office of Lord Lyon King-at-Arms in Scotland.

Motion made, and Question proposed,

"That a sum, not exceeding £3,948, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1873, for the Salaries and Expenses of the Department of the Queen's and Lord Treasurer's Remembrancer in the Exchequer, Scotland, of certain Officers in Scotland, and other Charges formerly paid from the Hereditary Revenue."—(*Mr. Andrew Johnston.*)

MR. BAXTER explained that the fees paid into the office and received by the Treasury were quite sufficient to cover the expense, and that therefore no reasonable ground of objection could be stated against the Vote.

MR. A. JOHNSTON said, he was satisfied with the explanation of the hon. Gentleman, and would withdraw his Motion.

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

(22.) £7,178, to complete the sum for the General Register Office and Census, Scotland.

(23.) £4,471, to complete the sum for the Board of Lunacy, Scotland.

(24.) £13,366, to complete the sum for the Board of Supervision for Relief of the Poor, Scotland.

(25.) £4,907, to complete the sum for the Household of the Lord Lieutenant of Ireland, &c.

(26.) £20,539, to complete the sum for the Offices of the Chief Secretary to the Lord Lieutenant of Ireland.

(27.) £250, to complete the sum for the Expenses of the Boundary Survey, Ireland.

(28.) £1,608, to complete the sum for the Charitable Donations and Bequests Office, Ireland.

(29.) £25,375, to complete the sum for the General Register Office and Census, Ireland.

(30.) £76,580, to complete the sum for the Poor Law Commission, Ireland.

(31.) £3,576, to complete the sum for the Public Record Office, &c., Ireland.

(32.) £20,399, to complete the sum for the Office of Works, Ireland.

Resolutions to be reported.

Motion made, and Question proposed,

"That a sum, not exceeding £37,255, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1873, for Law Charges, and for the Salaries, Allowances, and Incidental Expenses, including Prosecutions relating to Coin, in the Department of the Solicitor for the Affairs of Her Majesty's Treasury."

MR. WEST said, he should move to reduce the amount by £2,500. Twenty years ago the Solicitorship to the Mint was abolished, but the patronage in respect to it was maintained. Not only that, but the Mint prosecutions carried on of recent years were very small indeed, and badly conducted, and it was recommended by a Committee that those coin prosecutions should be given up. He proposed, therefore, to reduce the Vote by £2,500, charged for legal expenses.

Motion made, and Question proposed,

"That a sum, not exceeding £34,755, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1873, for Law Charges, and for the Salaries, Allowances, and Incidental Expenses, including Prosecutions relating to Coin, in the Department of the Solicitor for the Affairs of Her Majesty's Treasury."

MR. WHEELHOUSE said, he had also to complain that the conduct of the Mint prosecutions was usually given to young men, who practically had no experience whatever at sessions, and that the remuneration they received was excessive as compared with what they would receive for other cases.

MR. CRAUFURD defended the manner in which Mint prosecutions were conducted, and thought that it was rather for the Attorney General, and not for the House, to determine the amount of fees that ought to be paid to the counsel who were engaged in them.

THE CHANCELLOR OF THE EXCHEQUER said, that the Attorney General was the person who could give the most satisfactory account of the matter; and as his hon. and learned Friend was not here he would move that Progress be reported.

Motion agreed to.

To report Progress, and ask leave to sit again.

House resumed.

Resolutions to be reported *To-morrow*, at Two of the clock;

Committee also report Progress; to sit again upon *Wednesday*.

BISHOPS RESIGNATION ACT (1869) PERPETUATION BILL [*Lords*].—[BILL 137.]

SECOND READING. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [4th June], "That the Bill be now read a second time;" and which Amendment was, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Dickinson.*)

Question again proposed, "That the word 'now' stand part of the Question."

Debate resumed.

MR. OSBORNE: Sir, I wish to put a Question to the right hon. Gentleman at the head of the Government, and the importance of the Question must be my excuse for putting it at this late hour (5 minutes past 12). I wish to ask him, whether he is in receipt of any intelligence upon the American question? ["Order, order!"]—

MR. SPEAKER: The hon. Member will have another opportunity of putting the Question when the usual Motion is made for the Adjournment of the House.

MR. OSBORNE: I am not going to put the Question upon the Bishops Resignation Bill. I only wish to ask the right hon. Gentleman whether he is in receipt of intelligence on the American question? There is a statement to be made in "another place," and it is only proper that this House should have an explanation upon this most important subject. ["Order, order!"]—

MR. SPEAKER: The hon. Member is not in Order in putting the Question at the present time.

MR. OSBORNE: Then I will put it on the Order of the Day.

MR. MONK said, he would appeal to the hon. Member for Stroud (*Mr. Dickinson*) to withdraw his Amendment that the Bill be read a second time that day three months, and would suggest to the Prime Minister that the operation of the Bill should be limited to three years. He had also an objection as to the amount of payment to be made to the diocesan of the Archbishop of Canterbury.

MR. GLADSTONE said, he would state that the diocesan acting for the Archbishop of Canterbury would receive £4,000 a-year for performing not primatial, but diocesan duties. He would at once admit that there were one or two points on which the Bill wanted consideration, and that, therefore, he should be perfectly willing to limit the operation of the Bill, but not, he thought, to so short a period as three years. He would suggest that the Bill should be read the second time, and that the Committee upon it should be postponed until there was time to consider those matters.

MR. T. HUGHES said, he hoped it was not intended to make the Bishops and clergy a distinct class by such measures as this. The Bishops and clergy taught the laity that it was their duty to provide for their old age out of their incomes, and he was sure they would be the last persons to say that the same rule should not be applied to themselves.

MR. DICKINSON said, he would withdraw his Amendment.

Amendment, by leave, *withdrawn*.

Original Question put, and *agreed to*.

Bill read a second time, and *committed* for *Thursday* 20th June.

CUSTOMS AND INLAND REVENUE BILL.
(*Mr. Dodson, Mr. Chancellor of the Exchequer, Mr. Baxter.*)

[BILL 106.] COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. OSBORNE: I believe, Sir, that I am now in Order. I wish to ask, whether the right hon. Gentleman at the head of the Government is in receipt of intelligence, and whether he can conveniently communicate it, with

reference to the American negotiations ?
[“Order !”]

MR. SPEAKER : On going into Committee of Supply, Supply Bills, or Ways and Means Bills, the hon. Gentleman would be quite in Order in putting his Question ; but this is the Committee upon a Bill relating to Customs and Inland Revenue, and it is not in Order to raise a discussion not relevant to the subject-matter of the Bill.

MR. OSBORNE : The question is, that you, Sir, leave the Chair.

MR. HUNT : I believe that this is a Bill to impose taxes on Her Majesty's subjects ; and I thought it was the constitutional privilege of the Members of this House to satisfy themselves on such an occasion of the state of public affairs. Now this is, I understand, an important matter between the United States Government and this country ; and on that principle I should have thought that the Question of the hon. Gentleman might be put. I do not wish, Sir, to question your ruling, but I should like to have the principle laid down.

MR. OSBORNE : There is a new tax involved in Clause 5. I am extremely unwilling to embarrass the Government by putting my Question, and, if the right hon. Gentleman will only say that it is not convenient to answer it, I will not press it. I wish to ask him whether he is in receipt of intelligence as to the present state of the American negotiations ?

MR. GLADSTONE : I understand that I am not at liberty to enter into that subject ; but my hon. Friend will have an opportunity by-and-by, and I do not think he will lose anything by postponing his Question till the adjournment of the House.

Motion agreed to.

Bill considered in Committee.

(In the Committee.)

Clauses 1 to 5, inclusive, agreed to.

Clause 6 (Exemption of husbandry carts and horses used on Sunday, &c., from duty under 32 & 33 Vict. c. 14).

MR. BROGDEN moved, in page 3, line 30, to insert the words “trade or” before “husbandry,” to meet the case of those persons who required the use of their horses and carts on Sunday to convey their families to church.

Mr. Osborne

MR. MACFIE proposed to alter the Amendment by introducing the words “or trade carried on in country places.”

THE CHANCELLOR OF THE EXCHEQUER said, that the purpose of the clause was to give effect to the wish that had been so frequently expressed in that House—that horses used in the country for conveying the owner's family to church should not be taxed, but it was now proposed to extend it to trade horses. The same reason for exemption, however, in the latter case did not exist, because generally speaking persons engaged in trade lived in the immediate places of Divine worship which they attended.

MR. M'LAREN said, he hoped that next Session the Chancellor of the Exchequer would exempt horses engaged in trade. The employment of horses in manufactures was equivalent to their employment in husbandry.

Amendment, by leave, withdrawn.

Clause agreed to.

Clauses 7 to 11, inclusive, agreed to.

Clause 12 (Exemption when income is under £100 and abatement where income is under £300).

MR. ALDERMAN W. LAWRENCE said, that in 1842, during the administration of Sir Robert Peel, when the income tax was imposed, incomes under £150 per annum, were exempted from the tax, and that sum was fully equivalent to £200 per annum at the present time, for the great pressure of taxation, and the rise in prices of every article of food, fell most heavily on persons whose incomes ranged from £150 per annum downwards. The very prosperity of the country by causing labour and all articles to rise in value, seriously diminished the means of living of those who depended upon salaries and incomes under £150 per annum. There was no principle involved in the matter. He therefore moved an Amendment to the effect that the tax should not be extended to persons whose incomes were less than £150 per annum.

Amendment proposed,

In page 5, line 25, to leave out the word “continued,” and insert the words “extended to any person whose income is less than one hundred and fifty pounds.”—(*Mr. Alderman Lawrence.*)

THE CHANCELLOR OF THE EXCHEQUER said, he must question the state-

ment of the hon. Gentleman that no principle was involved, for the principle involved in the Amendment was, whether the Committee—the financial arrangements of the Government having been already assented to—should adhere to those arrangements, or alter them so as really to take away all responsibility for the financial results of the year from the Chancellor of the Exchequer. The consequence of the adoption of the Amendment would be to make a change in the financial arrangements of the year to the extent of £250,000; and to take such a step would not, he contended, be a wise mode of proceeding. There was no good reason, he maintained, why the decision of the House in 1853, altering the minimum income which should be liable to the tax from £150 to £100 should be reversed, especially seeing that great concessions had already been made in the way of making deductions from the lower class of incomes on which the tax was paid.

MR. HUNT said, that although not supporting the Amendment, he must protest against the doctrine which the right hon. Gentleman appeared to lay down—that the present was not a fitting opportunity to raise such questions as that which had been raised by the hon. Gentleman.

MR. WHITE said, he should support the Amendment, and would remind the Chancellor of the Exchequer that he had admitted in answer to a Question which he (Mr. White) put, that there then was a sum of quite £750,000 in the Treasury receipts of the current year, due to the exceptional and unexplained postponement of the usual annual contribution from the Revenues of India for military and other charges, thereby diminishing to that extent the (otherwise) actual surplus of the year ending the 31st of March last. Hence he (Mr. White) urged that should the Chancellor of the Exchequer remit £250,000 of taxation by accepting the proposed Amendment, he would still have fully £500,000 more to the good than he anticipated when he made his last Financial Statement. Persons with incomes of £150 a-year were—as the Chancellor of the Exchequer had more than once admitted—a class on whom the pressure of the income tax bore most heavily. It seemed to be wholly ignored by the right hon. Gentleman that our present

system of indirect taxation did substantially impose an income tax of the most burdensome and unequal kind. The recipient of an income of £150 a-year ordinarily consumed quite as much tea and sugar as the possessor of ten times that amount—say, £1,500 per annum. If so, whilst the latter individual would pay to the State on the two dutiable articles before-named not more than three farthings in the pound of his income, the former, with one-tenth of such income, would be mulcted to the extent of an income tax of quite eightpence in the pound by our present system of indirect taxation. On those grounds he (Mr. White) held that the existing liability of incomes of £150 to the income tax was a glaring inequality and injustice, and he earnestly supported the Amendment of the hon. Member for London (Mr. Alderman. W. Lawrence).

MR. GLADSTONE said, he must contend that when the general financial scheme of the Government had been approved as it had been that year, it was not convenient to raise such important questions as the present in Committee on a Bill as if it were matter of small detail. His hon. Friend was, of course, no doubt entitled to move that the exemption be extended to incomes of £150 a-year, or to move the repeal of the tax altogether; but the question was one of very great importance, and, as he thought, entirely beyond the scope of the business immediately in hand, for the sum involved was a large one, and such as would nearly exhaust the surplus estimated by the Chancellor of the Exchequer. It must also be borne in mind that the amount of income which would be absolutely exempted from the income tax raised questions of very great delicacy. The tax was one which was attended with considerable social dangers, and the House having evidently arrived at the conclusion that it might be necessary to continue it, at all events for a considerable time, thought it desirable that its basis should be made as broad as possible. Great questions of financial policy should not be decided in passing a measure such as this, which simply settled details; but should have been brought forward in discussing the Budget arrangements of the year.

MR. HUNT said, he should like to know what time was so fitting for a discussion of the question under notice as

on the Bill for re-imposing the income tax, while with regard to the time, he thought no one could be blamed for raising the question at this hour. If the exigencies of Public Business required that the Bill should be considered at a quarter to 1, hon. Members could not be blamed if they discussed the question involved in it. The strongest argument urged against the Amendment was that it would result in a deficit of £250,000.

MR. FAWCETT said, he trusted in future the Customs Bill would be considered simultaneously with the Budget. Upon the question at issue he must say that the small incomes were most heavily taxed, and those who received them were the last to participate in a season of general prosperity, because such seasons made workmen extravagant and caused prices to rise even before the clerk at £100 or £150 a-year benefited by the prosperity of the country. The anomaly of the present system, moreover, would be increased if the Amendment was carried, because whereas a man having an income of £149 would pay nothing, a man in receipt of £151 would pay on £71. The proper method was, that the sum upon which nothing was paid should be the sum subtracted from the gross income, so that if incomes of £100 were exempt incomes of £105 should pay on £5. He could not, therefore, vote with his hon. Friend, although he sympathized with him; and he expressed his disbelief in the statement commonly made on popular platforms, that workmen were the most heavily taxed, because the people upon whom taxes fell with most crushing effect were men such as clerks at a fixed salary of about £150.

MR. KINNAIRD said, he should like to know what had become of the £750,000 referred to by the hon. Member for Brighton (Mr. White) as the military contribution from India.

MR. ALDERMAN W. LAWRENCE said, he did not think this an improper time to bring forward the question. It was not his intention to put the Committee to the trouble of dividing; but he should certainly introduce the subject again on some future occasion.

Question put, "That the word 'continued' stand part of the Clause."

The Committee *divided*:—Ayes 108; Noes 65: Majority 43.

Clause agreed to.

Mr. Hunt

Clause 13 (Enactments in schedule repealed, and in lieu thereof exemption from inhabited house duty of trade and business premises under care of servant only).

MR. HUNT said, he objected to the proposed exemption from house duty.

THE CHANCELLOR OF THE EXCHEQUER said, he had proposed it not because he was enamoured of its principle, but because he had thought the House wished for some relaxation of the duty.

MR. W. H. SMITH said, he should move the rejection of the clause, on the ground that it would benefit the richer trader, who could afford to live away from his shop.

ALDERMAN SIR JAMES LAWRENCE, in support of the clause, urged that exemptions already existed, and that the clause simply defined them more precisely.

MR. ALDERMAN W. LAWRENCE said, he would remind hon. Members that this was the clause of the Chancellor of the Exchequer.

Question put, "That the clause, as amended, stand part of the Bill."

The Committee *divided*:—Ayes 78; Noes 79: Majority 1.

Additional Clause.

MR. F. S. POWELL moved the following clause:—

"No person shall be chargeable with Duty in respect of any dog *bona fide* and wholly kept and used in the care of sheep and cattle, or in driving or removing the same, provided no such dog shall be a greyhound, pointer, setter-dog, spaniel, lurcher, or terrier."

New Clause (Exemption of certain class of dogs.)—(*Mr. Powell*),—*brought up*, and read the first time.

MR. NEVILLE-GRENVILLE said, he hoped the exemption would not be granted.

SIR MASSEY LOPES said, he must urge the Chancellor of the Exchequer to accept it.

MR. M'LAGAN said, he must strenuously oppose the clause, for the reason that formerly the exemption in favour of sheep dogs led to much dishonesty.

THE CHANCELLOR OF THE EXCHEQUER said, he was waiting to hear what the author of the tax had to say in favour of it.

MR. HUNT said, that when he was Secretary to the Treasury, in 1867, the dog duty was reduced from 12s. to 5s.,

and exemptions abolished. Previously, there was a large number of dogs which never paid duty at all. He did not think the reduced duty was any hardship upon the farmer, though it might be complained of by those who bred sheep dogs for exportation. The reduction of the duty had increased the pleasure of many who could not have kept dogs at the higher duty. Under all the circumstances, therefore, he should support the continuance of the tax.

THE CHANCELLOR OF THE EXCHEQUER said, he could add nothing to the observations of the right hon. Gentleman.

Motion made, and Question put, "That the Clause be read a second time."

The Committee *divided*: — Ayes 55; Noes 86: Majority 31.

MR. GREGORY moved a clause to interpret the term "horse-dealer."

Clause *agreed to*.

MR. GREGORY moved another clause repealing section 3 of Income Tax Amendment Act, 1870.

THE CHANCELLOR OF THE EXCHEQUER opposed the clause.

Clause, by leave, *withdrawn*.

Bill *reported*; as amended, to be considered upon *Thursday*.

TREATY OF WASHINGTON. TRIBUNAL OF ARBITRATION (GENEVA). THE NEGOTIATIONS.—NOTICE.

MR. BRUCE, in moving the Adjournment of the House, stated on behalf of his right hon. Friend the First Lord of the Treasury, that he would to-morrow, at 2 o'clock, make a statement with regard to the progress of the negotiations as to the Arbitration at Geneva.

ELEMENTARY SCHOOLS (CERTIFICATED TEACHERS).

Select Committee on Elementary Schools (Certificated Teachers) *nominated*: — Mr. WILLIAM EDWARD FORSTER, Sir CHARLES ADDERLEY, Mr. BAXTER, Mr. SOLATER-BOOTH, Mr. KAY-SHUTTLEWORTH, Mr. WILLIAM HENRY SMITH, Mr. ANDREW JOHNSTON, Mr. FRANCIS SHARP POWELL, Mr. MELLY, Mr. CLARE READ, Mr. BRISTOWE, Mr. SCOURFIELD, Mr. PHASE, Mr. PEMBERTON, and Mr. WHITWELL:—Power to send for persons, papers, and records; Five to be the quorum.

REVIEW OF JUSTICES' DECISIONS BILL.

On Motion of Mr. HUNT, Bill to amend the practice of Courts of Law with respect to the Review of the Decisions of Justices, *ordered* to be brought in by Mr. HUNT and Mr. STAVELEY HILL.

Bill *presented*, and read the first time. [Bill 190.]

RAILWAYS PROVISIONAL CERTIFICATE CONFIRMATION BILL.

On Motion of Mr. ARTHUR PEEL, Bill to confirm a Provisional Certificate made by the Board of Trade under "The Railways Construction Facilities Act, 1864," and "The Railways (Powers and Construction) Acts, 1864, Amendment Act, 1870," for the incorporation of the Widnes Railway Company, and for the construction of the Widnes Railways, *ordered* to be brought in by Mr. ARTHUR PEEL and Mr. CHICHESTER FORTESCUE.

Bill *presented*, and read the first time. [Bill 192.]

BOARD OF TRADE INQUIRIES BILL.

On Motion of Mr. CHICHESTER FORTESCUE, Bill for regulating inquiries by the Board of Trade, *ordered* to be brought in by Mr. CHICHESTER FORTESCUE and Mr. ARTHUR PEEL.

Bill *presented*, and read the first time. [Bill 193.]

House adjourned at half
after Two o'clock.

HOUSE OF LORDS,

Tuesday, 11th June, 1872.

MINUTES.]—PUBLIC BILLS—*First Reading*—Drainage and Improvement of Lands (Ireland) Supplemental* (142).
Second Reading—Gas and Water Orders Confirmation (No. 2)* (123).
Select Committee—Report—Union of Benefices Act Amendment (No. 139.)
Committee—Report—Metropolitan Commons Supplemental* (115); Public Health (Scotland) Supplemental* (121); Cattle Disease (Ireland) Acts Amendment* (125); Charitable Loan Societies (Ireland)* (124).
Report—Union of Benefices Act Amendment* (12-140); Statute Law Revision* (107).
Third Reading—Local Government Supplemental* (103), and *passed*.

TREATY OF WASHINGTON. TRIBUNAL OF ARBITRATION (GENEVA) THE INDIRECT CLAIMS. THE SUPPLEMENTAL ARTICLE.

ENLARGEMENT OF TIME. STATEMENT.

EARL GRANVILLE: My Lords, it was at so late an hour last night and so few of your Lordships were present, that I am not sure that all your Lord-

ships are aware that the noble Lord on the cross-benches (Lord Oranmore and Browne) put to me, after midnight, the Questions of which he had given Notice with regard to the position of the negotiations in reference to the Washington Treaty. I thought that at that hour of the night, and as so few of your Lordships were present, and as the circumstances referred to in those Questions were not quite applicable to the existing state of things, it would be more advisable for me to confine myself on that occasion to a promise of a statement this evening with reference to the position of affairs. My Lords, I have to state that on Saturday last it became perfectly clear that we must fail to ratify in time the Supplemental Article which would have the effect of cancelling the Indirect Claims, on condition of an agreement for the future as to the obligations under which both countries should be bound. It appeared that, on the one hand, the Government of the United States were of opinion that we were hypercritical as to the wording of the agreement; while, on the other hand, we were of opinion that we ought not to agree to words which would not clearly convey what the real meaning of both parties to the agreement was. That being the state of things, and finding it was no longer possible to have the Article ratified in time to send before the Arbitrators at their next meeting, we resolved—acting on a suggestion previously made by the United States—to propose an adjournment, in order to give time for the removal of the remaining difficulties between the two countries. I must now, my Lords, express my surprise and regret that the communication which I made to the American Minister should have been made public in New York almost immediately after its transmission. I spoke to General Schenck on the subject; and, in reply, General Schenck has explained to me that he could not account for the publication, as certainly the proposal had not been communicated to the public by anyone in the American Legation here. The Secretary of the Legation, however, suggested an explanation that might, perhaps, account for it—namely, that my communication had been sent to the United States not in cipher, but *en clair*; and that in consequence of its having been so sent, it had got into the Press from circumstances over which his Go-

Earl Granville

vernment had no control. The substance of the proposal is this—that there should be an adjournment of the Arbitration for eight months, under certain reserves and certain conditions in which we should both join. Since the transmission of the proposal we have received a communication from the United States Government respecting the mode in which we proposed the adjournment should be made; and in answer to that we have made a further communication to the United States. I have only to add that to-morrow the Lord Chief Justice, as the Arbitrator for this country; Sir Roundell Palmer, our Counsel; and Lord Tenterden, our Agent, proceed to Geneva. But no inference is to be drawn from this fact:—whatever might occur, we thought it would be more dignified on our part and more courteous, not only to the American, but to the other Arbitrators, that our Counsel and Agent should appear; but they have precise instructions as to the course they are to pursue, and they have full powers for providing, on our part, that there shall be no act whatever which would be a departure from the declarations which Her Majesty's Government have made on the subject of the Indirect Claims.

LORD CAIRNS: My Lords, your Lordships are so much accustomed in this important matter to surprises—to the expression at one time of the most sanguine hope, and at another to the confession of the most bitter disappointment on the part of Her Majesty's Government—that communications of the kind of that we have just heard have lost the claim of novelty. Before this occasion we have seen that communications which are usually regarded as most secret and sacred, have been issued to newspapers until the disclosures have ceased to surprise. I am inclined to think, however, that but for the disclosures which from time to time have been made in this way we might have been in a still worse position. They have, at all events, however they may have come out, put us in possession of facts with the knowledge of which, as they have occurred, we ought not to grumble; but, my Lords, the information of to-day certainly transcends any which has hitherto come to light during the conduct of these negotiations. It now appears from these "channels of information" that we have

made a proposal to adjourn the Arbitration at Geneva for eight months. My Lords, consider for a moment how far that is possible. I want to ask your Lordships, in the first place, what precise object is to be attained, what is supposed to be the utility of an adjournment of this kind? Is the object to decently put an end to that part of the Convention which relates to an Arbitration at Geneva? If so, would it not be better to do so openly and fairly than in this indirect and covert manner? What will be the consequence of adjournment for eight months? What will be the consequence on this side of the Atlantic? Great anxiety; great misgivings from day to day; great uneasiness in respect of the negotiations; great perplexity of telegrams and despatches, and from time to time explanations or partial explanations, such as have hitherto been made to Parliament. All this time the commerce of the country and the financial interests of the country will be disturbed and confused. Those who are most interested in the existence of friendly relations between the two nations will naturally feel anxious and perplexed throughout the whole of this period of adjournment. That will be the result on this side of the Atlantic. And if that will be the consequence in this country, what will be the state of things on the other side of the Atlantic? What the adjournment means is that a "platform" on one side and on the other will be made during the Presidential election of the relations between this country and the United States. Is not that the inevitable consequence? Your Lordships will have observed the tone and temper in which these negotiations have been commented on in the United States. Do not you think that as the Presidential election comes on, it will be the object on one side or on the other to depreciate the policy of the Cabinet of Washington, and that during the election the negotiations will be represented in the various lights in which the contending parties may feel it their interest to place them? Is that a state of things which can be regarded as beneficial to the interests of this country or to our relations with the United States? Is it desirable that relations which ought to be most friendly and intimate should be made a bone of contention during the election of President? and what is the prospect of the result of this

proposal? The noble Earl the Foreign Secretary has referred to a communication which appeared this morning, and which, we are told, has not been impeached by the Prime Minister in the other House of Parliament. That communication is prefaced with the statement that Mr. Fish has declared it is useless to discuss Amendments—that the Government of the United States has no suggestions to offer or entertain. Is that a prospect which ought to induce us to adjourn the Arbitration? It may be the case, as has been stated "elsewhere," that nothing but the want of a little good sense can prevent an agreement being arrived at on the points now in dispute. But, if so, I want to know whether a period of eight months is necessary for the development of a little good sense? I want to know whether a space of eight weeks is not sufficient, if an agreement can really be come to at all? Let me ask you now as to the possibility of an adjournment. We are informed that in answer to the noble Earl, Mr. Fish replied that the time for the Arbitration could be extended only by a new Treaty; but if the Arbitrators themselves wish to adjourn, the United States will not object. Let me remind your Lordships of the dates. The Counter Case was delivered on the 15th of April. Now, according to the terms of the Treaty, within two months from the delivery of the Counter Case the Arbitrators are to meet to receive the written or printed arguments on the points to be insisted upon by each side respectively. Having been so possessed of those points, the final Case on both sides, the Arbitrators are to be proceed with the reference and the decision of the Tribunal is, if possible, to be made within three months after the close of the arguments on both sides. Now, I am far from suggesting a doubt that if the two Governments had agreed upon it, there might not be an adjournment of the Arbitration, even beyond that time and for any period that might be required for the mere purpose of arguing the points of the case. But we have before us the views of Mr. Fish, who says the adjournment cannot be made except through the medium of a new Treaty. Whether these are correct or not, they are, at all events, the views of the United States Government—an adjournment can only take place with the concurrence of Mr. Fish. Her Ma-

jeesty's Government are not at liberty to arrange beforehand that there shall be an adjournment of the Arbitration. But this statement goes on to say that if the British Government proposes an adjournment, and if the Arbitrators consent to it—if the British Government and Arbitrators are for an adjournment—the American Government will not oppose it. But that is not an agreement that the American Government will approve it. What it amounts to is throwing the responsibility on the British Government and Arbitrators, and taking the proceeding out of the ambit of an agreement between the parties. I say, my Lords, it is very much more than doubtful whether the Arbitrators have the power to go outside what is necessary for the purpose of convenience in respect of the carrying out of the reference, and of adjourning the Arbitration in this manner for a period of eight months. The words in the Treaty give a power to the Arbitrators in respect of what is to be done in the case of the death or the absence of any one of the Arbitrators appointed to hear the reference; but I hold that under the reference to Arbitration, it is the duty of the referees to go on with the Arbitration in the regular course at the time appointed. Of course, if both sides agree, the Arbitration may, for convenience sake, proceed notwithstanding such an event; but it is more than doubtful whether, without an agreement between the parties, the Arbitrators have the power to adjourn for eight months for a purpose that is merely collateral to the object of the reference. If they have the power under such circumstances to adjourn for eight months, why not for a year or for eight years? There is no reason why their power should be limited as to time. But we have it stated that the American Government will not enter into an agreement—that Mr. Fish is of opinion that this is not to be done by an agreement, but by a new Treaty. If, however, the Arbitrators order an adjournment, the United States Government will not object. I wish to know what is to be our position after an adjournment under such circumstances? But, my Lords, the matter does not stop there. What is the position of this country in submitting this proposition to Mr. Fish? The noble Earl who brought forward the Motion the other night (Earl Russell) stated on that occasion what is

Lord Cairns

quite true. He stated that in this matter we are not suppliants, going to America and putting forward claims and asking for satisfaction—we are a people against whom America is making certain demands, which under certain conditions we are willing to submit to a proper tribunal. Is it, then, consistent with the dignity of the Sovereign, or with the high position this country should assume, that we should go to America in the form of suppliants—we who want nothing, and have nothing to ask for? I say, then, that we should be degraded if we went to the American Government and asked them for an adjournment of the Arbitration for eight months. And for what reason? For any definite reason? No. For the chance of something turning up. At the end of five months the Government have failed; and what you have failed in accomplishing in that time you think you may accomplish in eight additional months. Now, with reference to this despatch, I wish further to ask the noble Earl what it is he proposes? According to the published despatch, this proposal has been made by the noble Earl—

“With this view I have the honour to propose that, on the meeting of the Geneva Arbitrators on that day, joint application shall be made for an adjournment for eight months. If the Government of the United States concur in making an application for adjournment, it is the intention of Her Majesty's Government to deliver to the Arbitrators on the 15th inst. the summary of the argument under the 5th Article of the Treaty, accompanied by a Declaration, of which I have the honour to enclose you a copy for the information of your Government.—[No. ix, 64.]

Well, my Lords, I will observe that the first step that is to be taken before the Arbitrators is to lodge the printed statements on both sides, with the points relied upon. Therefore the first step must have been taken before you can approach the Arbitrators to make your application to them. But the noble Earl says—“If you concur in applying for an adjournment, we will lodge our Case, with this condition that there is an assumption that the adjournment will take place.” But the United States say—“We will not agree; it must not be a matter of agreement, because we will not concur.” Now, I want to know whether in that case Her Majesty's Government mean to arm the Arbitrators with the points and with the arguments which are your last pleadings? When

you hand in those points the whole process is complete:—and then what position are you in? Even if Her Majesty's Government in the form of suppliants ask the Arbitrators to direct an adjournment for eight months, how do you know they will agree to that? Suppose they said—"We will not accede; our duty is to hear the case as soon as the pleadings are complete. We have no right on the application of either side to adjourn the Arbitration. We have no authority to do so, and therefore must decline, without the consent of both sides, to order an adjournment." Where are you if the Arbitrators should arrive at that decision? If they go on, how are you to stop them? Your pleadings having been completed, and the Arbitrators being armed with them, where is your power to arrest the progress of the Arbitration? I have only one other statement to comment upon. In the published account of the Declaration there is this statement—

"The Undersigned is instructed by the Government which he represents to state that this printed Argument is only delivered to the Tribunal conditionally on the adjournment requested in the Note which he had the honour to address to the Tribunal this day, jointly with the Agent of the United States, being carried into effect, and subject to the notice which the Undersigned has the honour herewith to give that it is the intention of Her Majesty's Government to cancel the appointment of the British Arbitrator and to withdraw from the Arbitration at the close of the term fixed for the adjournment, unless the difference which has arisen between the two Governments as to the claims for indirect losses referred to in the Note which the Undersigned had the honour to address to Count Schloppis on the 15th of April, shall have been removed."

Perhaps it may be said that it is the intention of the Government to cancel the appointment of the British Arbitrator. But, my Lords, that term "cancel" in this case is quite new to me. I want to know by what authority the Government will "cancel" the appointment of their Arbitrator. I do not see any such authority in the Treaty. If an Arbitrator dies or is incapable of acting, that is a case provided for by the Treaty; but I cannot find any words in the Treaty giving power to cancel the appointment of the Arbitrator; and I think that the power to do so is, to say the least, doubtful. My Lords, in a case so novel, so unusual, and so unprecedented, I hope—to repeat the phrase made use of by a noble Lord on a former occasion—the Government will not, in their endeavours

to escape from a bog, end by only getting deeper into it. I hope they will give your Lordships some assurance that, without any prospect of light or explanation, we are not to be drawn into eight more months of fruitless negotiation and bitter disappointment.

THE LORD CHANCELLOR: My Lords, my noble and learned Friend commenced his observations upon the statement which has just been made by my noble Friend the Secretary for Foreign Affairs saying that the Government were again placed in a position in which, according to him, we have been so often placed—that position being that at one time the most sanguine hopes are expressed, and at another the most bitter disappointments are confessed by Her Majesty's Government. Now, sitting here as I do every night during the whole of the discussions in your Lordships' House, I take upon myself to say that—my own recollection fortified by that of my noble Friend—I can assert that the noble Earl never on any occasion expressed the most sanguine hopes, and never on any occasion confessed the most bitter disappointment, with reference to these negotiations. So much as to the accuracy of the noble and learned Lord's recollection. He then proceeded to comment on the statement that appeared in a morning paper—which, he says, is not controverted in any way in "another place," though brought under the attention of my right hon. Friend at the head of the Government—in which the United States Government is represented as saying, through Mr. Fish, there can be no agreement for an adjournment, except through the medium of a new Treaty. Now, I do not blame my noble and learned Friend for quoting that statement, because it appears in the published statement; but I am glad to be able to say that it is wholly inaccurate. Mr. Fish never said that an agreement for an adjournment could not be effected except through a new Treaty, and I should have been very much surprised if he had. I do not mean to follow my noble and learned Friend through his comments on Treaties. I believe his comments on the Treaty of Washington, which have excited so much painful attention for a long time, were not very accurate, and that their inaccuracy has been productive of much evil. It is very singular that my noble

and learned Friend should be the person who raised the first doubt I ever heard of being expressed either in this or any other country as to whether the Treaty of Washington excluded the Indirect Claims. I have been searching ever since he gave expression to that doubt to find who were those who supported him in that doubt, and, as far as I can discover, no one supported him in it. My noble and learned Friend (Lord Westbury) said the other night he had no doubt the construction of that Treaty did exclude the Indirect Claims. The noble Earl who proposed the Resolution for an Address to the Crown (Earl Russell) said the same thing; the noble Earl who followed him (Earl Granville) concurred in that opinion; and the noble Earl the late Secretary for Foreign Affairs (the Earl of Derby) said that though the language of the Treaty might be ambiguous, he thought that it excluded those Claims. For my own opinion I shall not say much; but it is the same as that held by the Attorney General and the Solicitor General; and the American jurists have said they have no doubt on the matter, because they cannot find in the Treaty language which would give such a construction to it as would include the Indirect Claims. My Lords, that being so—being unable to discover anybody who gives his sanction distinctly to the doubt entertained by my noble and learned Friend—I hesitate to accept the construction which he has put on the Treaty. It is doubtless much to be regretted that in the earlier stages of debate—after my noble Friend the Foreign Secretary stated the terms of the Treaty, and that by them the Indirect Claims were excluded—this statement should have been allowed to go without contradiction from July to December, and that then the statement of my noble and learned Friend (Lord Cairns) should have been fastened on and introduced into the American Case as one bearing the authority which justly attaches to any opinion expressed by him; but I repeat, my Lords, that when I find that, besides such legal authorities as we have in this country, the American jurists are against the view taken by my noble and learned Friend, I must arrive at the conclusion that he is not a very safe expounder of Treaties. My noble and learned Friend on the present occasion undertakes to expound

The Lord Chancellor

the sense of the Treaty with reference to adjournments of the Arbitration; and, further, with regard to expressions he finds communicated through the channels we have heard of, and reflected back to us from America in the singular manner in which intelligence is now reflected back from that country, he says that he finds no words in the Treaty authorizing the Government to cancel the appointment of the British Arbitrator. Nobody supposed there was—it was never assumed that the question of cancelling the Treaty would ever arise. But surely the appointment of the Arbitrator could be cancelled if the case arose which I hope never will arise—namely, that through the two parties to the Treaty being unable to come to an agreement as to the intention of the Treaty it never became full and complete, because it was not taken in the same sense by the two parties. I hope that that will never arise; and why? Because an Article has been proposed by which the Indirect Claims, whether set up or not, will be put aside by an agreement which, I believe, will be a good one if it can be effected, and which will operate, by reason of a consideration on both sides, to hinder the bringing forward of the question whether the Indirect Claims are to be admitted. If that be so, is there not good reason for asking for an adjournment when the question at issue is so near an arrangement? Our hope of bringing the settlement of that Article to a conclusion was frustrated by the accidental circumstance of the Senate of the United States being in that position that its adjournment was fixed to take place within a period which expired yesterday. But my noble and learned Friend says, why should we apply for an adjournment at all? He says we have nothing to ask for—nothing to gain. I am proud to say we have nothing to gain; but we have a great deal to ask for, and so has the United States. Each nation has to ask the other to join in an act which will cement their friendship, put an end to their temporary heartburnings and disquietudes, and prevent any arising in the future. Each has to ask that the other should join her in uniting in bonds of brotherhood the English race throughout the world. I ask, is not this sufficient to negotiate for—is it not sufficient to induce us to prolong the negotiations as

long as there is any hope of their being brought to a successful issue? And, finally, I say my noble and learned Friend must not assume because he reads published a correspondence which was never intended to see the light till the negotiations were finished—when, of course, it must have been produced on both sides of the water—he must not assume that the expressions in that correspondence are to be held as expressing the final determination of the negotiators. The course of these discussions has, undoubtedly, been greatly favoured by the forbearance of your Lordships' House, and at this moment it is so by the forbearance of the House of Commons. Your Lordships thought fit to break through that reserve—through that reticence—which is usually observed by the Legislature during the course of negotiations until a Treaty has been concluded; but, notwithstanding that somewhat untoward intervention, while I will not express a sanguine hope—because my noble and learned Friend trembles at the very idea—this I must say, that the Government at least hope that the object they have in view of bringing these negotiations to a satisfactory conclusion will yet be realized with the approval of the Parliament and the people of this country.

THE MARQUESS OF SALISBURY: My Lords, I think your Lordships will be inclined to agree with me that a more grave position for the country and a more difficult position for the action of this House could scarcely be conceived. Consider what is your position. My Lords, six months have been spent in negotiations, and how far these negotiations are likely to tend to cement that brotherhood of which the noble and learned Lord on the Woolsack has spoken in such enthusiastic terms, you can easily judge by a perusal of the American newspapers. But those six months have passed away, and have practically and precisely left us in the same position as when the American Case first met the eyes of the noble Earl opposite—when the Indirect Claims were put forward, and when he said the Government would insist on a withdrawal of these Claims. But they are not withdrawn. The Americans are now asserting them as strongly and as determinedly as ever they did before. The only difference is that whereas there were then six months before the Arbi-

tration, the Arbitration is now at our door. The Indirect Claims are put forward as strongly as ever, and no advance seems to have been made by Her Majesty's Government in making good their declaration that they would never suffer those Claims to be gone into before the Arbitrators. We have some ground of complaint in this. It is not a case of embarrassment come on the noble Earl for want of warning. Over and over again he was warned by my noble Friends of the fatal approach of dates—of the fatal approach of the time when some definite course must be taken; but no action has been taken, and here we are within three days of the Arbitration and the Indirect Claims are still upon the Table. The noble Earl told us that in all questions relating to the Indirect Claims and to the time appointed for the meeting of the Arbitrators full care would be taken; but we find now that the English Arbitrator is going to Geneva and that the English Counsel is going over to conduct our case with a protest which will make the proceedings to be gone through at Geneva valueless. I should like to know what Sir Roundell Palmer is going to do, and what the English Arbitrator is to be sent out for? If the United States agree that the Arbitration should be adjourned for eight months, Sir Roundell Palmer will have his journey to Geneva for nothing. If the United States do not agree to the adjournment which Her Majesty's Government are asking from them, are we to understand that Sir Roundell Palmer is going to conclude our Case—to deliver that Case out of the hands of England—so that there will be nothing to stand between us and the arbitrament of the Indirect Claims? We ought to have clearer accounts of these negotiations than we get through scraps of information derived through the corrupt indiscretion of American officials? The noble and learned Lord on the Woolsack spoke of the great forbearance of Parliament during those negotiations—certainly it has been carried further than it was ever before carried during negotiations as important as these—but we are entitled to ask Her Majesty's Government whether it is intended for the next eight months to leave us to subsist on the indiscretion of American officials; or does the noble Earl intend now to lay the Papers on the Table? Does he in-

tend to give us any further information, or to leave us to chance for the next eight months? My Lords, obviously there is in the Cabinet some influence which counteracts the strong and generally expressed feelings of the people of England that those Indirect Claims should be at once put an end to; and we are justified in feeling apprehension. I hope the House will urge on the Government to give us clear information; but if the Government still refuse—still shelter themselves behind official privilege, I hope your Lordships will again step forward and say on what terms—and what terms alone—Great Britain would consent to proceed with the Arbitration.

THE EARL OF KIMBERLEY: My Lords, I am not surprised at the manner in which the noble Marquess treats this question. He feels complete distrust of Her Majesty's Government, and is justified in expressing it. But what I wish to put to your Lordships is this—that when a Ministry is charged with the government of this country they cannot discharge that duty under the principle of distrust. If we, who are Ministers of the Crown, are as such intrusted with these negotiations, and Parliament does not take any means to displace us, it is our bounden and absolute duty to the country and to Parliament not to be driven by any taunts or attacks or mistrust to depart from the system we think necessary to conduct these negotiations to a prosperous issue. My Lords, I must express my opinion—speaking in reference not only to the present, but to all other diplomatic negotiations—that no negotiation can be brought to a successful result if it is to be conducted in the face of day, and information is to be given to Parliament day by day, and, as noble Lords opposite have wished, almost hour by hour, of every step which is taken. For my own part, I should infinitely prefer to cease to be one of the responsible Advisers of Her Majesty, and would never desire to be in such a position again, if we are to be made responsible for negotiations carried on under such circumstances. The noble Marquess asks if it is our intention to keep Parliament for eight months without information. If it were so we should, indeed, be carrying reticence to a point where there would be no excuse for it. But so far from that being the case, it

The Marquess of Salisbury

is the intention of my noble Friend, before the close of this week, to lay before Parliament the whole of the Papers connected with these negotiations. From them it will be seen precisely what has and what has not been done, and Parliament will be able to judge whether the negotiations have been conducted in a manner consistent with the declarations we have given and with the honour of the country. As to the observations of the noble and learned Lord opposite (Lord Cairns), there was one point to which my noble and learned Friend on the Woolsack did not advert. It was the extraordinary argument that supposing the adjournment were to be consented to it would cause angry discussions in the United States. But can anyone conceive anything more likely to cause anger than the failure of the Treaty? If anybody tells me that the adjournment of this Arbitration—which can obviously only be agreed to because the two countries conceive there is, at all events, the possibility of coming to an agreement—is more likely to bring about dissension between the two countries than if the Treaty were entirely broken because of complete disagreement between the two Governments—I say deliberately that such language can only proceed from a person who, from the first, has been determined, whatever might be the consequences to the interest of his own country, to destroy this Treaty. The person who takes that view is the noble and learned Lord opposite, who has been a consistent advocate of the United States Government from the first. Therefore, I do not propose to tell the noble and learned Lord what instructions will be given to our Agent upon the occasion of the meeting at Geneva. If I did so I know that the noble and learned Lord would rise in his place, and with that power of ingenuity which I always admire would at once demonstrate that it was the one thing which was necessary to prove that the United States Government had been entirely in the right, and that this country had been entirely in the wrong. My Lords, I decline to give any such information; but while I do so I do not intend anything I have said to bear a personal character as regards the noble and learned Lord. The character of the noble and learned Lord stands far above any attack, and I do not propose to make one. But I

have made these remarks, because words spoken by a noble Lord of such high character have an effect upon the interests of the country which we must all deprecate. It is for these reasons that I think the Government right in refusing to give the noble and learned Lord the information for which he has asked.

THE EARL OF DERBY: My Lords, I have no intention of carrying further the rather personal discussion initiated by the noble Earl who has just sat down. I am not, however, surprised that the noble Earl should have preferred to look at the matter from that point of view, because I can easily understand that to the noble Earl and his Colleagues the discussion of any topic would be more agreeable than that of the facts now under our consideration. Nor do I feel it necessary to vindicate the character of my noble and learned Friend, who is charged by the noble Earl with having done all in his power to destroy the Treaty. My Lords, nothing has been said or done by my noble and learned Friend in the course of these discussions for which we who sit near him do not take an equal responsibility. And when he is charged with having given his support to the American Case, I must say that he simply pointed out what appeared to him to be weak points in the Treaty so far as regarded the interests of this country—objections which afterwards proved to be well founded:—but when he did so the Government had still an opportunity to prevent the Treaty from being ratified before those doubts he had suggested were fully cleared up. I do not want to go further into that. For my own part, I do not wish to indulge in any of those taunts or sarcasms which the noble Earl opposite (the Earl of Kimberley) deprecates. I think such a course would be particularly inadvisable, when all the facts of these negotiations are so imperfectly known, and when circumstances are so critical:—but I must say that notwithstanding the speech of the noble Earl the Secretary for Foreign Affairs—who, I have no doubt, has laid before us all that he thinks it consistent with his duty to make known—notwithstanding that the unexpected disclosures from the other side of the water have thrown some light on the matter—the position in which the matter stands is by no means satisfactory. It is quite clear that the Arbi-

tration could not go on at the time originally appointed—that is admitted on all hands; but there are two points on which we have heard no explanation. First, why this delay specially asked for is applied for by us? and, secondly, why the delay asked is for the particular period of eight months? Unquestionably, any delay that may arise must be for reasons of mutual convenience. The American Government have quite as much to lose as we have—I will not say they have more, but certainly they have quite as much to lose as we have—by the breaking off of the Treaty, if that unfortunately happens. Then, why is so long a term as eight months asked for? If no difference has arisen except one as to the conditions of Arbitration, the question might be settled in a very much shorter time than eight months—if, indeed, it admits of being settled by negotiation. I do not say that we may not be able to get over the difficulty—I hope we may—but it is clear that by an adjournment for a few weeks, or a few days, you would be quite as likely to get over it as you would by an adjournment for a longer period. I do not suppose the date of adjournment is fixed with reference to the Presidential election in the United States; but, of course, that is an idea which occurs to every one's mind. I, however, reject that, because to suppose it would be to suppose this country placed in a position which it is not too much to say would be ridiculous, and even degrading. You must, however, consider the risk to which you expose the pending negotiations in hanging them up in a way that they shall be made use of by two political parties in fighting out their battles. At the same time, I admit the difficulty of the situation, and I am very reluctant to press for information which may be withheld for public reasons; but I cannot think there would be any breach of diplomatic reticence on the part of the noble Earl in his telling us why a delay for such a period is necessary; why the delay is to be so protracted as would amount to almost an indefinite postponement? I need not point out the evils that will result from the injury which it will occasion to commerce and the anxiety to which it will give rise. These must occur to the minds of the Government. What I now want to know is what is the reason which induced them to take

a course so singular and so unexpected, and which the country will hear of with so much surprise and regret.

EARL GRANVILLE: Before I answer the questions the noble Earl (the Earl of Derby) has put to me, I must say a single word as to the arguments of the noble Marquess (the Marquess of Salisbury)—who is so singularly qualified to speak of the best means of promoting conciliation and avoiding irritation either between two individuals or two countries—that I do not believe the language he has used to-night is calculated to produce that soothing effect upon the United States which he is so alarmed lest the action of Her Majesty's Government should disturb. I deny that at this moment there is the greatest irritation between the two countries, and that a really unfriendly feeling has been shown in the United States towards this country. I think the very reverse is the case. Even as regards the Press of the United States—which is of course carried away by party politics, and very likely takes the same course as regards the Government of that country that some noble Lords do in respect of the Government of this country—shows a better feeling than it formerly displayed in reference to these negotiations. I may observe that not only in newspaper articles, but in speeches of Senators the Government of the United States are charged with having allowed themselves to be out-generalled and humiliated by this country. I saw the other day that General Butler denounced General Schenck for dancing attendance in my antechamber, and writing by dictation from me. The Governments on each side of the Atlantic must put up with such things; but I believe that in the result any Government that seeks honestly to discharge its duty in endeavouring to keep good feeling and peace between the two countries will reap its just reward. With regard to the question put to me by the noble Earl (the Earl of Derby), I have to say that we proposed the period of eight months as that of the adjournment because we thought it combined these two advantages—the meetings of the Congress are fixed by the Constitution for certain dates—the next meeting will be on the 1st of December. On the other hand, Parliament generally meets in the beginning of February, and our arrangements would not be concluded

The Earl of Derby

till Parliament met next year. It is quite true that the President, if he likes to exercise his privilege, can call the Senate together in extraordinary Session; but I believe—though I am not authorized to say the fact is so—that there are objections to that course, and these objections would probably be increased at the time of the excitement consequent on the Presidential election, which event happens every four years. There is a minority of the Senate bitterly opposed to the re-election of President Grant. We have some knowledge of what minorities can do in this country; but I believe that in the United States speeches are not made as here by hours, but by consecutive days. Here it is only necessary for us to have a mere majority; but there a majority of two-thirds is necessary. I believe that to press the American Government to call an extraordinary Session of the Senate would not be a wise proceeding under existing circumstances; and therefore we believe that the objects we have in view will be best promoted by an adjournment of the Arbitration to the time we have proposed to the American Government.

EARL GREY: My Lords, I have heard with alarm and regret the statement of my noble Friend the Foreign Secretary. I think that this Arbitration should not be allowed to go on in any manner without a clear and distinct understanding that those Indirect Claims are not to be pressed before the Arbitrators. We have now had the question before us for five or six months—noble Lords on the Opposition benches have pressed again and again for the assurance that the Indirect Claims shall not be admitted—I have very humbly joined in the same request; but we see step after step some concession made, and now we hear that Sir Roundell Palmer goes to Geneva to-morrow with instructions of which we do not know the purport, but which I fear can only have the effect of prejudicing this country. I have to remind your Lordships that when the letter of General Schenck was read the other night it was believed that if the Arbitration went on, with the Supplemental Article and that Letter before the Arbitrators, no doubt could exist that the Indirect Claims had disappeared. I ask your Lordships whether anyone in this House acquiesced in the proposal to refrain from expressing any opinion

upon the subject, except upon the understanding and in the belief that if the Supplemental Treaty should fall to the ground, then, without any new negotiations or any new scheme for patching up the failure, we were at once to withdraw from the Arbitration. I am convinced of nothing more clearly than that this was the understanding my noble Friend (Earl Russell) came to, and that it was on that understanding only he asked the House to refrain from addressing Her Majesty on the subject. On any other supposition it would have been very wrong for us to have taken that course. We all understood that if the Supplemental Treaty failed then we were to withdraw from the Arbitration at once, without any further attempt at negotiations, when so many had been made and had failed. We now find ourselves placed in the most embarrassing position, and I hardly know what duty requires of us. Can we, after what we have lately done, allow these proceedings to go on without taking some steps to obtain from the Government an assurance that nothing shall be done inconsistent with the honour of this country? The circumstances almost warrant our adopting the unusual course of sitting on Wednesday, and reviewing to-morrow the proposals of the Government. I make no proposal of that kind; but I must repeat that we are placed in a most embarrassing position by the disclosures of to-day, after having assented to the withdrawal of the Motion made last week.

THE DUKE OF MARLBOROUGH: My Lords, I do not wish to prolong the discussion upon this subject, but to advert to a statement made by the noble Earl the Colonial Secretary, to the effect that the noble Earl the Foreign Secretary would lay on the Table the Correspondence on the subject of this new Convention before the close of the present week. What I wish to ask is, whether that Correspondence which the noble Earl proposes to lay on the Table will embrace the alterations which have been made, or are supposed to have been made, in the Supplemental Treaty by the Senate of the United States—so that the House may have an opportunity of knowing what those alterations are, and what view the Government has taken of those alterations?

EARL GRANVILLE: It is not usual previous to the presentation of Papers to describe their contents; but, at the same time, I have no objection to state, in reply to the noble Duke's Question, that the information he desires will be contained in the Papers I shall lay on the Table. In reply to the noble Earl on the cross-benches (Earl Grey), I would say that Her Majesty's Government have taken all the measures they thought necessary in order to carry out all the assurances they have made to the House.

LORD ORANMORE AND BROWNE said, he had merely placed the Notice which appeared in his name on the Paper to allow any noble Lord who might wish to raise the question to do so consistently with the Orders of the House.

TREATY OF WASHINGTON—COMMUNICATIONS OF THE HIGH COMMISSIONERS—PROFESSOR BERNARD'S LECTURE.—QUESTION.

LORD BUCKHURST rose to ask the Secretary of State for Foreign Affairs, Whether there was any objection to laying on the Table of the House a copy of the Correspondence between Her Majesty's Government and the British High Commissioners during the negotiation on the Alabama Claims and since the presentation of the American Case referred to in Earl Granville's letter to Sir Edward Thornton, dated the 13th of May, 1872? The noble Lord said, he introduced the subject in the form of a Question in consequence of a letter from the noble Earl to Sir Edward Thornton, recently laid on the table, in which the noble Earl said the British Commissioners, in the information they had furnished during the negotiations and since the presentation of the American Case, had uniformly maintained that the claims for Indirect Losses were not included, nor intended by them to be included, in the terms of the Case to be submitted to Arbitration. And in the course of the recent debate the noble Earl had stated that on a particular day a statement was received by the Government from the British Commissioners to the effect that the Indirect Claims had been waived by the American Government. The document containing this statement should be on the Table of the House. That a

Correspondence such as he referred to did exist was clearly proved by the speech of Sir Stafford Northcote at Exeter, and the lecture delivered by Mr. Bernard at Oxford. In the latter, Mr. Bernard stated that throughout the whole of the proceedings the British Commissioners were constantly in communication with their Government. He would ask, therefore, whether it was consistent with the dignity of their Lordships' House that information of such importance as that which the speeches of these gentlemen contained should first be communicated in the forms of lectures and speeches. Again, in a letter to Sir Edward Thornton, the noble Earl opposite said that the nature of the claims made by America was closely defined and limited. He should be glad to learn where that definition and limitation occurred—for they were not to be found in the instructions given to the Commissioners, nor, as far as he could see, either in the Treaty or the Protocol. They must, therefore, occur in the correspondence for which he was now asking. He would at the same time ask the noble Earl the second Question of which he had given Notice—whether the sum—namely, £5,000,000 or £6,000,000 sterling—claimed by the American Government, as stated by Mr. Bernard, in his lecture at Oxford, is the total amount of the "Direct Claims" now presented to the Arbitrators at Geneva.

EARL GRANVILLE said, he must decline to enter into any statements made by Mr. Bernard, and would further beg to point out that the noble Lord would find the amount of the American claims by consulting the proper records. As to the Correspondence between Her Majesty's Government and the British High Commissioners, there had been no correspondence between them since the presentation of the American Case. With regard to the clear definition of the Claims referred to arbitration, that clear definition would be found in the Treaty itself. All the Correspondence, except that which was confidential, had been laid upon the Table; and as to the confidential portion of it, he saw no advantage in presenting it to the House.

Lord Buckhurst

TREATY OF WASHINGTON—TRIBUNAL OF ARBITRATION (GENEVA).

MOTION FOR AN ADDRESS.

LORD ORANMORE AND BROWNE, believing it to be desirable that such a Resolution should be placed upon the records of the House, said he would now move the Address of which he had given Notice.

Moved that an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to give instructions that all proceedings on behalf of Her Majesty before the arbitrators appointed to meet at Geneva pursuant to the Treaty of Washington be suspended until an agreement in writing be come to between Her Majesty's Government and the Government of the United States, and such agreement be laid before the arbitrators at Geneva by the joint action of these two Governments, removing and putting an end to all demands on the part of the Government of the United States with regard to the claims included in the case submitted on behalf of the United States and understood on the part of Her Majesty not to be within the province of the arbitrators.—(*The Lord Oranmore and Browne.*)

Resolved in the Negative.

House adjourned at a quarter before
Seven o'clock, to Thursday next,
half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 11th June, 1872.

MINUTES.]—SUPPLY—considered in Committee
—Resolutions [June 10] reported.
PUBLIC BILL—Committee—Education (Scotland)
[31]—A.P.

The House met at Two of the clock.

EUROPEAN ASSURANCE SOCIETY BILL—(by Order.)

THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed,
"That the Bill be now read the third time."

MR. EYKYN rose to move that the Order of the Day for the third reading of the Bill be read and discharged, and that the Bill be re-committed to the former Committee. He regretted to stand in the way of the solution of the very difficult question involved in that Bill,

being himself strongly in favour of the principle of arbitration, and believing that the constitution of a proper Court of Arbitration by the Government would confer lasting benefits on the country. His objection to the present Bill related only to one point—namely, the question of who was to be the arbitrator under it? He did not think that ex-Lord Chancellors should hold such appointments. Filling the high position which they did as Peers and as Judges in “another place,” and being, as he thought, well entitled to the recompense which the country gave them, he regarded it as unwise in those noble and learned Lords to depart from the rule followed by their predecessors and to enter into competition with their former brethren of the long-robe. If he had been rightly informed, Lord Cairns had declined to act as arbitrator in this case, on the ground that it would interfere with his duties in the House of Lords, and the appointment had thereupon been offered to and accepted by Lord Westbury, who was to receive for his services as arbitrator 3,500 guineas. He (Mr. Eykyn) thought it unbecoming that ex-Lord Chancellors should undertake to act as arbitrators for fee and reward, and he had drawn the attention of the House of Commons to these circumstances, in order that some notice might be taken of them in “another place.”

Amendment proposed, to leave out from the word “be” to the end of the Question, in order to add the words “re-committed to the former Committee,”—(*Mr. Eykyn.*)—instead thereof.

Question proposed, “That the words proposed to be left out stand part of the Question.”

MR. BARNETT, as Chairman of the Committee to which this Bill had been referred, might say that when they recommended a course of arbitration the counsel on both sides unanimously offered their thanks to the Committee for having so decided. He had no doubt that ex-Lord Chancellors very usefully employed their time in the judicial tribunal of the House of Lords; but, in his opinion, there could not be a more important judicial function than that which this Bill proposed to confer upon Lord Westbury. The interests involved in the case were so immense and intri-

cate that it would require a man of great acuteness of mind and of judicial ability to bring the matter to a satisfactory ending. It must be remembered that when Lord Chancellors were pensioned no condition was imposed upon them that would prevent their accepting the position of arbitrators in such cases as that now under discussion. He could not help having a suspicion that the interest of some persons would be served by delay in this matter; and, without imputing any motives or mentioning any names, he was afraid that this Amendment would have the effect of carrying out their object.

MR. COLLINS said, he thought that the House ought to feel obliged to the hon. Member for Windsor (Mr. Eykyn) for calling attention to this case; because there was really a great principle involved in it. A person who had filled the office of Lord Chancellor received a pension of £5,000 a-year, on the ground that he had lost the opportunity of making money in his profession. If ex-Lord Chancellors were to act as arbitrators, with salaries of £2,000 or £3,000 a-year, he could not see upon what principle their magnificent retiring pensions could be defended. It appeared to him that it would be wise of the Government to consider the subject when they were dealing with the Judicial Committee or the new Court of Appeal. He hoped the hon. Member for Windsor would not divide the House upon the question.

MR. JAMES said, he hoped the hon. Member for Windsor would not divide the House on his Amendment. It would be a great hardship to the members of the different assurance companies if this Bill were not passed, and he thought that the House ought to make some sacrifice of principle on behalf of those unfortunate persons. He hoped, therefore, that the Amendment would be withdrawn; but, at the same time, considered that some protest should be made against this dangerous practice, lest it should be drawn into a precedent. The *Albert* case had been quoted as a precedent in order to justify the present proceeding. The Appellate Court was starved from want of power, that power being the services of eminent Lord Chancellors. Lord Cairns, when Lord Chancellor, directed that County Court Judges should in no case hold arbitrations when their

Courts were sitting, and yet Lord Cairns became an arbitrator, and sat as such when he ought to be sitting in the Court of Appeals; and was a party to the passing of a Bill which gave him £2,000, and as much more as he wished to appropriate to himself by his own will. Of course, he should speak of Lord Cairns with the utmost possible respect; but surely human nature was human nature, and if a man could sit in the Appellate Court when he liked, and do other business besides, was it not natural that ex-Lord Chancellors would yield to the temptation of the latter rather than give their services to the country? Surely, if the House wished to preserve the dignity of the Bench, and have suitors come to Courts above suspicion, they ought to make clear their protest against the course sanctioned by this Bill. However humble his voice, it should be ever raised on behalf of the profession.

MR. STEPHEN CAVE said, he thought the present was not a time for discussing so grave a question of policy as the one they were then dealing with, and he also was of opinion that his hon. Friend behind him (Mr. Barnett) was a little too severe in some of his remarks. The liquidators had acted under the directions of the Court of Chancery, and he thought that no imputation of interested motives ought to be made against them. It was an open question entirely as to which was the better way of dealing with the matter—whether to send the Bill to arbitration, or to give powers to the Court of Chancery for settling the question. The President of the Board of Trade had promised to introduce clauses in his Bill, giving powers to the Court of Chancery to decide such questions as these; but they had not seen these clauses, and could not tell whether they would become law. He thought, therefore, that it would not be fair to deprive the Company of one mode of meeting their difficulties before they were sure of the other. Should these clauses be sufficient, the Bill might be dropped in “another place.” He thought the House should allow the Bill to be read a third time.

MR. EYKYN withdrew his Amendment, with the view of moving on an early day a Resolution that, in the opinion of the House, no ex-Chancellor should accept any fee or reward for act-

Mr. James

ing as arbitrator or referee, unless specially appointed by the Government.

Amendment, by leave, *withdrawn*.

Main Question put, and *agreed to*.

Bill read the third time, and *passed*.

MASTER AND SERVANT (WAGES) BILL. QUESTION.

MR. PELL asked the Secretary of State for the Home Department, Whether Her Majesty's Government have decided on proceeding with the Master and Servant (Wages) Bill, and, if so, in what order they propose to take it?

MR. BRUCE said, in reply, that it was the intention of the Government to proceed with the Bill. But with regard to the order he must refer the hon. Gentleman to the Answer given by the Prime Minister on a recent occasion, to the effect that the order in which the remaining Government Bills will be proceeded with must be determined after the Scotch Education Bill and the Mines Regulation Bill have passed through Committee.

EDUCATION—INSPECTORS OF ELEMENTARY SCHOOLS.—QUESTION.

MR. H. SAMUELSON asked the Vice President of the Committee of Council on Education, Whether Certificated Elementary Teachers are at present excluded from filling the appointment of Inspectors of Elementary Schools, and if that be the case, if he would consider the advantage of removing that restriction would act as an additional inducement to men of ability to become Teachers in the Primary Schools?

MR. W. E. FORSTER said, in reply, that elementary teachers were not at present excluded from filling the appointment of Inspectors. There were two Rules which guided his noble Friend (the Marquess of Ripon), with whom the appointment of Inspectors absolutely rested; the Vice President had nothing to do with it. Of these two Rules, one was a Treasury Rule, that the persons appointed should not be over 35 years of age. The other was a Rule which his noble Friend thought expedient—namely, that no person should be appointed who had not taken University honours. It was possible that these two Rules, the first of which applied not only

to Inspectors, but to other appointments, might make it difficult for certificated teachers to become Inspectors.

TREATY OF WASHINGTON.
TRIBUNAL OF ARBITRATION (GENEVA).
THE INDIRECT CLAIMS.
THE SUPPLEMENTAL ARTICLE.
ENLARGEMENT OF TIME.—STATEMENT.

MR. GLADSTONE: I rise with reference to a Notice kindly given for me by my right hon. Friend the Secretary of State for the Home Department, on the adjournment of the House this morning. I shall make a brief statement to the House, partly with reference to the rumours that are in circulation, partly with reference to the stage which we have reached in the communications with the American Government, although the statement I shall make will not be a final and conclusive one. ["Oh!"] Although it will not be final and conclusive, I will endeavour to make it clear. For that purpose I will just remind the House of the main points which have been present to the mind of Parliament and of the country in such declarations as have been made, and such inquiries and suggestions as have been made during the last few weeks. The first of these points in order is the negotiation of a Supplemental Article containing a prospective engagement, and likewise containing a stipulation with respect to the Indirect Claims at Geneva. The second of these is the question, to which allusion was very properly made on a former occasion by the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), with respect to the enlargement of time. The right hon. Gentleman inquired, I think, whether measures had been taken for the purpose of securing that, if the time for discussing and settling the terms of the Supplemental Article should not be sufficient, the time specified in the Treaty of Washington should be enlarged. And the third point which has been present to the mind of Parliament and the country has been—presuming that we should fail on both the other points—the measures to be adopted at Geneva with reference to the exclusion of the Claims for Indirect Losses from any award or procedure before the Arbitrators. Sir, with respect to the first of these points—that is to say, the negotiation and adjustment of

the terms of the Supplemental Article in the time which has been at our command—we have not been able to agree upon the terms of that prospective engagement which refers to the presentation of what I may loosely call Indirect Claims upon future occasions, although, as the House is aware, there has not been, and there is not, any difference of view between the two Governments as to the course to be taken at Geneva with respect to the Indirect Claims under the Treaty of Washington, in case an adjustment were arrived at with respect to the Supplemental Article as a whole. So much for the first point. With respect to the second point—the enlargement of time—I mentioned in the House, when the right hon. Gentleman opposite suggested it, that that matter had been in the view of Her Majesty's Government, and we are still in communication with the Government of the United States as to the means of bringing about an adjournment of the proceedings of the Tribunal of Arbitration. I am not yet able to say what the issue of these communications will be. It is obvious to the House that the issue must be reached almost immediately, inasmuch as the 15th of June is the day on which some decisive step at Geneva must be taken. And when that issue is reached, it will be our desire forthwith to lay upon the Table the Papers containing the whole details of the proceedings up to the present time. Lastly, Sir, and with regard to what should be done on the 15th of June at Geneva in the event of our failing in the second point, as for the present we have failed in the first, all I can say, and that I think the House will expect me to say, is this—we are considering, and we shall, in any case, be prepared with measures which we think proper measures to be taken at Geneva on the 15th of June, in order to sustain, in their full force, the declarations which on various occasions we have made to Parliament and the country with reference to the Claims for Indirect Losses under the Treaty of Washington.

MR. OSBORNE: Sir, I have listened to the statement of the right hon. Gentleman in mute astonishment. It is not for me to gauge the limits of Parliamentary patience. But, with such a document as I have seen this morning in the columns of *The Daily News*, I ask whether we can possibly rest satisfied,

provided that document be not a forgery, or, to use the expression of the right hon. Gentleman on another occasion, "furnished by literary enterprise." I say, if that document be genuine, we are in a position to demand further explanations from Her Majesty's Government. Now, Sir, I do not wish unnecessarily to embarrass Her Majesty's Government, and I think the conduct of this House has been most exemplary with regard to them. I only ask hon. Gentlemen who have sat here for some lengthened period what, in their opinion, would have happened if a Conservative Government had been in office? Would not anxious, rising young men, as well as old men on this side, have put before now some very awkward questions? Sir, I think we are approaching a very grave crisis in the history of this country. The right hon. Gentleman appears to me to be a little too anxious to make this Treaty at any price; and our connections on the other side of the water fully understand the right hon. Gentleman, and are prepared to take advantage of his anxiety. I wish to ask the right hon. Gentleman whether this despatch, which has been printed in *The Daily News*—through enterprise, of course—and which states that Earl Granville has directly written to Mr. Fish, the Secretary of the United States Government, and made a proposition to the effect that the Arbitration at Geneva should be postponed for eight months, is true? [*Cries of "Read!"*] No; it is unnecessary to read it. [*"Read!"*] Do not condemn me to that. Everybody has read it in *The Daily News*. [An hon. MEMBER: No, I have not.] Everybody will read it. It is simply a proposition from Earl Granville to Mr. Fish that these negotiations be postponed for eight months. [*"Read!"*] No, I will not read this humiliating despatch. If anybody is to read it the Clerk at the Table should read it. I object to read such a humiliating despatch myself. Although I have clung to the last to the hope that the Treaty would be carried out—not through any particular affection for this Treaty, but because I thought we were bound to it—it seems to me that what is now being done is not the way to carry it out. At any rate, if we cannot conclude a Treaty with dignity, let us get out of it in the best manner we can.

MR. SPEAKER: I must remind the hon. Member that he is out of Order

Mr. Osborne

unless he is prepared to conclude with a Motion.

MR. OSBORNE: I will not conclude with a Motion, because I do not like to interrupt the Business of the House; but I will put myself in Order by asking a Question. [*"Move!"*] No, I will leave some other hon. Member to do so. I have not received that assistance from the other side of the House or from this which would induce me to move the Adjournment of the House. I stand here simply as an independent Member of Parliament, and I wish to put this Question—Whether this latest telegram which we have seen in the columns—or, if some hon. Gentlemen have not seen it, which they will see in the columns of *The Daily News* of this morning—whether that telegram is founded on fact, or is the exact despatch written by Lord Granville to Mr. Fish?—I pause for a reply.

MR. GLADSTONE: I do not wish to try the patience of my hon. Friend; but he will, upon reflection, naturally suppose that, though I did pause—almost, I think, for three-quarters of a second—before I rose, yet that it is very proper and natural that a Minister who has to answer a question on a subject of this kind should pause for a moment, inasmuch as it is his duty to bear in mind that there might possibly be other Members of the House, beside my hon. Friend, who were desirous to ask for information, and, consequently, that it would have been hardly respectful for me to rise the very moment my hon. Friend had sat down. I am in the condition of not having before me the document to which my hon. Friend has referred—[Mr. OSBORNE offered to pass it for the inspection of the right hon. Gentleman.]—nor would it be possible for me to go into it now, or examine it in such a way as to be able on the instant to give to my hon. Friend the assurance he desires as to its literary and verbal accuracy. On this point, of course, I should have to refer to the original. But my hon. Friend has put a question which I will answer very readily—Has Lord Granville proposed that the negotiations at Washington should be postponed for a period of eight months? Sir, the proposal was that such a postponement should be made upon a joint application of the two Governments; and the proposition which my hon. Friend describes has been made by Lord Gran-

ville. My hon. Friend describes this document as a humiliating document. Well, the Government are responsible for the proposition which has been made. They will contend, when the proper time comes for doing so, that it is not a humiliating document, but a proposition required by national justice, national interests, and national honour. That will be our contention. I only mention it now with reference to the opinion given by my hon. Friend, because this is not the time to defend the cause of the Government. But I have not the least hesitation or difficulty in avowing that that proposition for an adjournment of eight months, if agreed to by the two parties—and the application would be a joint one—was made by Lord Granville and by the Cabinet on Saturday last. I will only add one explanation with reference to the term of eight months which will naturally suggest questions to the minds of hon. Gentlemen. Why should the particular term of eight months, and so considerable a term, be included in such a proposal? The simple reason, so far as my own mind is concerned—and I believe that was also the view of my Colleagues—was this:—The purpose of this adjournment, should it be made, is to enable us to arrive at an agreement upon the terms of the proposed Supplementary Convention. That agreement cannot be made excepting by the concurrence, on the other side of the water, of the President and Senate of the United States. Now, it is perfectly true, I believe, that the President has the power to summon the Senate for the purpose of considering a question affecting a Treaty at any period. But we did not feel it would be entirely consistent with propriety on our part to make a suggestion to the President of the United States as to the time at which he should summon the Senate. We thought it right, on our part, in making the suggestion for an adjournment, to name a time within which the Senate would again be in Session; and I may also add that we thought it would be an additional advantage that the time we had named would also be a time when the Parliament of this country would again be in Session, and when, therefore, it would have the opportunity, which it might reasonably desire, of giving its opinion upon the negotiations while they were taking place.

MR. DISRAELI: Sir, when the Question was put yesterday, the right hon. Gentleman formally and officially informed us by the mouth of one of his most eminent Colleagues of his intention of making an important communication to the House of Commons this day, and the right hon. Gentleman, faithful to his engagement, appeared in his place, and has made such a declaration. I think it most remarkable—I may say astounding—that the right hon. Gentleman made no allusion to that all-important document (the despatch published in *The Daily News*), the authenticity and even verbal accuracy of which I understand he does not for a moment dispute. Sir, it appears to me that the course taken by the Government is wanting in that frankness which, above all things, is necessary for the communications between Ministers and the representatives of the people. That document is an authentic document—and that document, signed by the Secretary of State, intimates the intention of proposing a delay of eight months in the meeting of the Tribunal of Geneva. The right hon. Gentleman wishes us to understand, in the second explanation that he has given us, the real reasons for that proposition. They may be so—it is not for me to doubt the convictions of the right hon. Gentleman, or what he believes to have been the convictions of his Colleagues as to the reasons which induced them to fix on that date; but we know very well that in eight months from this time a hot contest will be taking place in the United States for the highest position in that country; and I take the liberty to say that I know nothing more unwise or more indiscreet, nothing more to be deprecated, than that the relations between the two countries should be made the stalking-horse of discussion on every hustings. If Her Majesty's Government have been induced unconsciously to fix on the term of eight months in order that the President of the United States, his Government, and even the Senate might, perhaps, be in the humour then to accede to the propositions which at present they will not countenance, I think that result will be attained at too great a sacrifice, at a cost too perilous and pernicious, if it is to be attained by making the relations between the two countries a topic of exciting discussion.

during the Presidential election. I see an hon. Member rise as if I were not acting in unison with the Rules of the House. I never willingly act counter to those Rules, and if I am doing so on a most critical occasion, I will avail myself of a right which I should exercise with reluctance. I am at a loss also to understand from the right hon. Gentleman—for in this important statement, announced yesterday, and made under circumstances so critical, not the slightest allusion was made to that part of the subject—what is to become of all the other provisions of the Treaty of Washington during the interregnum. What is to become of the relations between this country and Canada? What of that guarantee which certainly has excited the anxious attention of Parliament? I may have misapprehended the right hon. Gentleman; but in his statement I understood him to say that the draft of the Supplementary Treaty was to be placed on the Table of this House, although not negotiated, in case the Tribunal at Geneva did not resume its duties on the 15th instant. Am I correct in that anticipation? If so, I should like to know the reason that has induced the right hon. Gentleman to depart from a line of conduct, the importance and necessity of which he dwelt on so much only a few days before. And if I have mistaken his meaning, if he is not going to place on the Table the draft Treaty, is it to be endured that for eight months after all that has occurred—after five months of anxious and baffled negotiations—is it to be endured that the people of this country should be ignorant of what is the question at issue between the Government of the Queen and the Government of the United States? Sir, these are subjects upon which we require information from the right hon. Gentleman. I wish to know why, when he came forward to make this statement, he did not advert to the most important element in our discussion—namely, the not-questioned despatch of the Secretary of State which has appeared in one of the public journals to-day. I wish to know whether, if the Tribunal at Geneva does not resume its duties on the 15th instant, I correctly understood the right hon. Gentleman that he would place on the Table the Supplementary Treaty, and the propositions of the United States, which have been so long in controversy

Mr. Disraeli

between the two Governments. I wish to know, also, from the right hon. Gentleman, what is to be the condition of the Treaty of Washington with respect to the other and equally-important questions which it embraces. These are points upon which we require information; for, generally speaking, after the statement of the right hon. Gentleman, and coupling that statement with the despatch of the Secretary of State with which we have become so irregularly acquainted, I am alarmed at the course and conduct of Her Majesty's Government. I join issue—so far as my immediate impressions upon a state of affairs so startling will enable me to do so—I join issue with the policy of the right hon. Gentleman, for I believe that he is pursuing a policy which will end in disaster and disgrace to England.

MR. BAILLIE COCHRANE: Before the right hon. Gentleman answers this Question I should be glad to put another Question. There is also a telegram appended to the reply in *The Daily News*, which states that Mr. Fish has refused to join in the declaration at once—that the American Government will not listen to the proposition of eight months' delay unless it is embodied in a new Treaty; and therefore, under the terms of the letter written by Lord Granville, the whole Arbitration seems to be at an end. I am very sorry the hon. Gentleman (Mr. Osborne) did not read the despatch out: but I have made extracts from it, and it is so very important that I hope the House will permit me to read it. It is a joint application that Lord Granville wishes to be submitted to the Arbitrators—if it is a joint application. Mr. Fish telegraphs to say that he refuses to join in the application, and therefore the whole Arbitration is now at an end.

MR. NEWDEGATE: I rise to move the adjournment of the House. It is wholly unbecoming that in an Assembly such as this a discussion should be carried on beyond its Orders, if not in contravention of those Orders. My own impression is that on this important subject the House of Commons has abstained from action much too long. I shall not, however, enter into the merits of the question, which has now occupied the attention of the House irregularly during the last 20 minutes; I rise merely to enable the House to place itself in

order, and therefore if necessary in action, by moving that the House do now adjourn.

Motion made, and Question proposed, "That this House do now adjourn."—
(*Mr. Newdegate.*)

MR. HORSMAN: I must say I agree with my hon. Friend who has just sat down. A very inconvenient practice is growing up, of which the majority of the House has some right to complain. The Leaders of the House on both sides enter into the fullest discussion upon most interesting questions, and raise all kinds of controversial matter; but when other Members try to take part in the debate they are called to order before they have spoken a dozen words. The Rules and Orders of this House know no distinction between Ministers of the Crown and private Members. All have the same privileges, and all ought to have awarded to them the right of discussion upon any question which may be brought forward, or all ought to be stopped. We have now had a despatch given to us in *The Daily News*, as to the authenticity of which, I believe, there is no doubt. I think it is to be regretted that information relating to the correspondence between our own Government and that of the United States is not already laid before Parliament; and I wish to ask, whether there is any objection on the part of the Government to give us the answer to that despatch?

MR. GLADSTONE: Sir, my right hon. Friend has asked me whether there is any objection on the part of the Government to give the House the answer to the despatch which had been published in *The Daily News*. I presume his question must be understood to include both the despatch itself and the reply to it. The answer to the despatch does not purport to be a representation of its entire contents, but is rather a summary than the despatch itself. I do not think there would be any advantage whatever in laying these two documents—and I believe my right hon. Friend will see the force of what I say—I think there would be no advantage, but the contrary, in laying on the Table these two documents disconnected from those which preceded and followed them. Our desire is to place the House in possession of information at the earliest possible moment.

To that subject I have already adverted; but to communicate to the House partial information upon which it would be quite impossible for the House to form just conclusions, would really not assist, but rather tend to bewilder the House, and would not be a course compatible with our own duty. My hon. Friend (Mr. Osborne) has censured me for not having referred to this despatch. My right hon. Friend (Mr. Horsman) says the Leaders of the House raise all kinds of controversial matters in their statements. I think the right hon. Gentleman opposite (Mr. Disraeli) can answer for himself. I do not know that he is open to much charge on his account; but, for my own part, in any statement which I have made to-day, I was most careful to avoid it. It was, however, necessary for me, in my answer to my hon. Friend the Member for Waterford, to state the propositions which we should be prepared to maintain. With regard to the statements of the right hon. Gentleman (Mr. Disraeli), I do not object to his censuring me, if he likes, for not having referred to this document, with regard to which I am quite sensible of the great inconvenience that arises, not only from premature publication but from fragmentary publication; but I do not wish to be censured for want of frankness. If the right hon. Gentleman thinks that I or my Colleagues entertained a hope that by refraining from referring to this document we should succeed in diverting the attention of the House from a paper which has been published by many tens of thousands—if he supposes we entertained a deliberate intention to withdraw a document of this kind from the notice of the House, I do not object to the charge of want of frankness; but I do object to the charge of fatuity which the right hon. Gentleman seems to think it consistent with Parliamentary usage to impute to me. Whether I was right or wrong, I did not entertain the idea that my want of allusion to the document would prevent any Gentleman who thought it desirable to make such an allusion from doing so. The right hon. Gentleman says truly that we have arrived at a knowledge of this document, and the public have arrived at it, in a manner most irregular. All that I can say on that subject is really needless, so far as we are concerned. I need not state that we

have had no share in its publication. I am given to understand that the document was transmitted from the American Legation in this country to the United States of America by the telegraph, and not transmitted in cipher. That is the statement made to me, and I have nothing more to communicate upon that part of the subject. That is the whole extent of my knowledge. [Mr. OSBORNE: Not in cipher?] The document was transmitted *en clair* as the phrase is at the British Foreign Office descriptive of sending documents in plain language. The right hon. Gentleman opposite has put to me two Questions of great importance to which I will give him answers that I hope he will find perfectly explicit. Both of them are conditional on the supposition of there being an adjournment, at least the first of them is. The first Question is—what is to become, during the interval of the adjournment of the Tribunal, of all the other provisions of the Treaty of Washington? My answer is, that I apprehend that if an adjournment took place of the sittings of the Tribunal of Geneva, all the other provisions of the Treaty of Washington, and all the executory measures connected with those provisions, may proceed exactly as if no such adjournment had taken place. If an adjournment takes place, I apprehend it can hardly be but by the consent of both parties. I will not presume to give an authoritative opinion on that point; but I will assume that very little good could arise from an adjournment, unless it took place by the consent of the two parties; and if there were the consent of the two parties, I apprehend there could be no reason in the world why the other provisions under the Treaty of Washington should not proceed towards a full accomplishment, just as if the sittings of the Tribunal at Geneva had gone on continuously from the 15th of June. The second Question is this—whether the Papers which we have proposed to lay upon the Table include the Treaty which has been lately under negotiation? I understood the right hon. Gentleman to deliver to me a double challenge. In the first place he asked—I am not sure I understood him correctly—“Why, if you mean to include it, do you depart from the usual course, and decline to submit to Parliament negotiations which have not yet reached their final accom-

Mr. Gladstone

plishment? Do you intend that the people of this country should remain in ignorance, during this long period, of the proceedings which have taken place, and of the actual state of the relations between the two countries?” I will first answer the second question, which relates to a matter of fact. We do not mean, certainly in the event of our failing to make arrangements for the adjournment, or, even if the arrangements are made for it, that the people of this country shall remain in ignorance of the steps we have taken. On the contrary, our opinion is, that at the point we have reached—perhaps I ought to say, especially after this publication, but even independently of this publication by *The Daily News*—our opinion is, that at the point we have reached it will be better that everything that has been done by the Government, on the part of the Crown and of the people, during those anxious communications, should be at once submitted to Parliament. That is the state of the case as regards the matter of fact. The right hon. Gentleman was perfectly justified in asking me why, and upon what grounds, we departed from the usual course of withholding details of the negotiations until they have reached their final accomplishment. I will give my reasons as simply and intelligibly as I can, and I hope they will be considered satisfactory. The negotiations which have been carried on have been negotiations with respect to the formation of a Supplementary Treaty, and not only with respect to the formation of a Supplementary Treaty—for if that were the whole truth, the question might still arise whether it would be desirable to submit the details of these negotiations at present. But they have been negotiations of a most peculiar kind [Mr. OSBORNE: Hear, hear!]
—they have been for the conclusion of a Supplementary Treaty, but also for the conclusion of a Supplementary Treaty within a given time and before a certain date, and in order that the proceedings under the main Treaty of Washington might go forward on that date. So far as regards the conclusion of that Supplementary Treaty within a given time, as I have already stated, we have failed of its conclusion—I do not speak of its ultimate conclusion. I think the House will see, when the Papers are laid before them, how much reason

there is to believe that if good sense be the dominating principle in the two nations on both sides of the Atlantic, it is almost an impossibility that there should be a final failure of agreement where the substantial questions of discord and controversy have been taken away. But I admit that, considering the Supplemental Treaty as an arrangement to be concluded within a given time, we have been unable to conclude it; and, that being so, it stands in immediate relation to the proceedings at Geneva on the 15th of June. We think it is due to Parliament that it should have an opportunity of judging of the whole of our conduct, in order that it may see whether we ought to and could have concluded, or whether we could not conclude, that Treaty so as to enable the proceedings at Geneva to go forward without impediment or interruption on the 15th. That is the reason why we think these negotiations should be laid on the Table of the House, although it undoubtedly involves, to a certain extent, a deviation from general rules; and, as I have stated, when we feel that the negotiations with respect to the question of adjournment have reached their issue, it will be our desire to submit that series of Correspondence which—though many, and perhaps the most important parts of it, have been transacted almost entirely by telegraph, will yet form the documents upon which we shall—I will not say, challenge—but shall patiently, and I may say also fearlessly, abide the judgment of Parliament and the country.

MR. BOUVERIE: My right hon. Friend has made a long speech; but he has not answered the important question put to him by the hon. Gentleman opposite (Mr. Baillie Cochrane).

MR. GLADSTONE: It is a pure omission, for which I apologize. The hon. Member opposite asked me whether the Arbitration was at an end. As I understood the hon. Member, he assumed that this letter having been sent by Lord Granville on Saturday, and having been answered by a document which did not accept the proposal connected with the Arbitration, the Arbitration was at an end. That is not so. These are not the final Papers on the case. Communications are still proceeding. I cannot undertake to say what their issue will be—I mean between this and Saturday next; but it would be a mistake to treat

these Papers as bringing the negotiations to a conclusion.

MR. BOUVERIE: I would call attention to the despatch which was written by our Foreign Secretary to the American Government, and of which it is agreed that we have an authentic report. It states the view of Her Majesty's Government on a review of the Correspondence, and Lord Granville goes on to say—

"With this view I have the honour to propose that on the meeting of the Arbitrators that day" (the 15th of June, four days hence) "a joint application shall be made for an adjournment of eight months. If the Government of the United States concur in making this application for adjournment, it is the intention of Her Majesty's Government to deliver to the Arbitrators on the 15th instant the summary of their argument, under the 5th Article of the Treaty of Washington."

Then the same "enterprising" authority goes on to say—

"Mr. Fish refuses to unite in this arrangement, believing that the time can only be extended by a new Treaty; but if the Arbitrators consent to adjourn on the request of Great Britain, the United States Government will not object."

Now, what is the position of the Arbitrators; because no reference has been made to that in the statement addressed to the House to-day? In the Treaty of Washington all the proceedings of the Arbitrators are sketched out with a definite time for every step which they are to take. By the 3rd Article the written or printed Case of each of the two parties is to be delivered to each of the Arbitrators within a period not exceeding six months from the date of the exchange of the ratifications of the Treaty. By the 4th Article—

"within four months after the delivery on both sides of the written or printed Case, either party may in like manner deliver in duplicate to each of the said Arbitrators, and to the agent of the other party, a Counter-Case and additional documents."

Now, these two steps have been taken; and there being, as stated in the Notice of Her Majesty's Government, a misunderstanding between the High Contracting Powers as to the meaning of the Treaty, the Counter Case was put in on the part of Her Majesty's Government at the proper date specified by the 4th Article, two months ago. The declaration addressed on the 15th of April by Her Majesty's Agent at Geneva to the Arbitrators said—

"Her Majesty's Government have been for some time past, and still are, in correspondence

with the Government of the United States upon this subject, and as this correspondence has not been brought to a final issue, Her Majesty's Government, being desirous, if possible, of proceeding with the reference as to the Claims for direct losses, have thought it proper in the meantime to present to the Arbitrators their Counter Case (which is strictly confined to the claims for direct losses), in the hope that before the time limited in the 5th Article of the Treaty this unfortunate misunderstanding may be removed."

Well, what is the time limited by the 5th Article?—for here is the hinge and pith of the whole matter, as far as I understand the documents. In the 5th Article it is said that—

"It shall be the duty of the agent of each party, within two months after the expiration of the time limited for the delivery of the Counter Case on both sides" (that is, in April, as already referred to by me) "to deliver in duplicate to each of the said Arbitrators and to the agent of the other party, a written or printed argument, showing the points and referring to the evidence upon which his Government relies."

Now, as I understand the statement in the paragraph of that newspaper, the American Government refuse to agree to make a joint proposal to the Arbitrators to adjourn the proceedings, upon the ground—which seems to me to be a just ground—that if it is to be done at all it must be done by a specific Treaty. Then it is suggested on their side, not that no written or printed argument shall be delivered on either side, so that the Arbitrators shall be unable to proceed for want of the thoroughly complete course of documents which the Treaty requires to be submitted to them; but that we shall put in our statement, and ask an adjournment, and the United States Government will then have it in their power, if they choose, to present their statement to the Arbitrators; and, if they do not, the Arbitrators, under the 7th Article of the Treaty, are bound, if possible, to make their decision "within three months from the close of the argument on both sides." As far as we are informed, therefore, the position of the case is this—that we are to take every step without any counter-stipulation on the part of the United States that they will go along with us in this; and then, when we have put in our counter statement, we shall be really at their mercy whether or not the business is to go on. I, for one, say that if all these transactions had appeared throughout to have been conducted in a perfectly open and above-board manner, and there had been

nothing behind, and no suspicion of want of candid and ingenuous dealing between the negotiators, it might have been worth while to contend that this course was the right one to take. But it cannot be forgotten that a strong and a prevailing impression exists in the mind of Parliament, and also in the mind of the country, that there has not been perfectly open, candid, and ingenuous dealing in this matter with our Government. That should make us extremely careful and cautious that no single step should be authorized by this House, or be permitted to the Government, which would leave us at the mercy of the Government of the United States to go on or not with the Case submitted to the Arbitrators.

MR. GORDON: If I understand the Prime Minister aright, he made a statement which must naturally cause considerable alarm. It was, as I gathered it, to this effect—that the proceedings might go on with reference to the other branches of the matter in dispute than the Indirect Claims. [Mr. GLADSTONE dissented.] I am glad to find that I am wrong as to that. [Mr. GLADSTONE: Hear, hear!] I will, therefore, not trouble the House further than to express my hearty concurrence with the views expressed by the last speaker.

MR. G. BENTINCK: I should have been glad to hear that everything connected with this Treaty had come to an untimely end. The right hon. Member for Buckinghamshire (Mr. Disraeli) expressed himself as being greatly alarmed at the conduct of the Government, and at the language used by the right hon. Gentleman at its head; but I may inform him that upon more than one occasion I have been at least as much alarmed at his own proceedings when he was himself in office. It appears to me that there is no ground for a conflict between the two sides of the House on this question, because there is between them what I may term a community of error. Both sides of the House have sanctioned the principle of Arbitration in the settlement of International disputes, which I regard as a great and fatal mistake, and nobody will venture to say that both sides are not equally responsible for the difficulties in which we find ourselves placed in consequence of our having accepted that principle. In the only debate upon this subject to which I have reason

to refer, which took place just before the close of the last Session, while various objections were raised to the conduct of the Government, no exception whatever was taken to the Treaty being based upon the principle of Arbitration. The right hon. Member for North Staffordshire (Sir Charles Adderley), who was almost the only speaker on this side of the House on that occasion, although he took exception to the acts of the Government, did not utter a single word against the principle of Arbitration. I must protest against that principle, which I regard as lowering to the honour, the dignity, and the interest of this country. The position we occupy in consequence of our having adopted that principle is not that which a great and powerful country ought to be placed in. We ought not to place our honour and our wealth at the mercy of any description of arbitration. If this country is not sufficiently respected abroad, and does not sufficiently respect itself to be able to decide what concerns its own honour and what is due to its own character with respect to its obligations, it is no longer worthy to occupy the position of a great country. Holding this belief, I regard the fact of our having submitted the American Claims to arbitration as most lowering to the honour and dignity of this country. If I were to hear from the right hon. Gentleman at the head of the Government that it is probable that there will be considerable delay in the negotiations connected with this Treaty I should hail the announcement as good news, as showing that we have at all events obtained a respite in the matter.

VISCOUNT MAHON: The only part of the most unsatisfactory explanation which has been given by the right hon. Gentleman which is in the least degree satisfactory is that in which he promises that the whole of the Papers connected with the negotiations respecting the Supplemental Article shall be placed upon the Table of the House. It is, at all events, some comfort to know that we shall not be left in profound ignorance of what has been done in this matter for the next eight months. It would not be right that the Government should protract their negotiations for another eight months without laying those Papers on the Table of the House; and, therefore, I must express a hope that the Papers and despatches relating

to this Treaty will be laid on the Table of the House before next Saturday.

MR. GOLDNEY said, although he had listened with the greatest attention to the explanations that had just been given by the right hon. Gentleman at the head of Her Majesty's Government, he had failed to collect from them what was the exact position in which they stood at the present moment with regard to the Supplemental Treaty and to the Arbitration at Geneva. About a week ago the right hon. Gentleman informed the House that there was no dispute about the latter portion of the Supplemental Article, and that the whole of the discussion then going on had reference to the early part of it, which formed the consideration for the latter portion of the Article being agreed to. It seemed to him from this new despatch of Earl Granville that that matter must have gone off altogether, and that new negotiations had been commenced for securing a further and distinct consideration of the Treaty. The Prime Minister had said that the latter portion of the article in *The Daily News*, containing a part of the despatch from Mr. Fish, did not conclude the transaction. He wished to know whether the negotiation now going on was entirely dependent upon the extension of time sought for; and whether if that extension of time were not acceded to, they were to consider that the other negotiations for the completion of the Supplemental Article had failed altogether?

SIR JAMES ELPHINSTONE: The House is under a great obligation to the hon. Member for Waterford (Mr. Osborne) for having raised this discussion. We have waited patiently for five months for some definite explanations on this subject, while the Government have gone on staggering like drunken men from one difficulty to another. I ask, are such men fit to continue these negotiations? ["Move!"] It is not for me to move in this matter. If hon. Members opposite wish to move they can do so for themselves. I repeat the question, whether the right hon. Gentleman who has landed us in a difficulty from which he cannot extricate us is capable of carrying these negotiations to a proper conclusion? I deny that he is capable of doing so. If he is permitted further to regulate our course in this matter we shall find ourselves in-

volved in an Arbitration with the whole of these Indirect Claims hanging over our heads. The Americans are making use of the Government of this country for their own political purposes. The Treaty was nothing more than a stock-jobbing transaction on the other side of the water, and our Government have been duped into negotiating this Treaty with men who are not fit to be negotiated with. I can recollect negotiations going on with America ever since 1814, and the result of all of them has been that they never came to anything unless the Americans had everything their own way. We have been duped on every occasion. When we went forward the Americans went back, and when we went back they came forward. Our best course is to stand still and to throw this Treaty overboard altogether. Having got rid of this Treaty, let us next year begin negotiations afresh, actuated by that good feeling which every one of us has for America. [*A laugh.*] Oh, you may have a perfectly good feeling towards a man, and yet not let him make a fool of you. Let us, when the Presidential election is over, send over to America a few wise men, who will be able to settle the question to be submitted to the Arbitrators in a couple of days. In conclusion, I beg to ask the right hon. Gentleman the Prime Minister whether the Arbitrators have any right or title at all under the Treaty to adjourn the consideration of the American Claims for any period?

SIR GEORGE JENKINSON, who was received with cries of "Divide!" said, I do not think that hon. Members opposite have any right to object to those who sit on this side of the House saying a few words on this important subject, after we have remained silent with reference to it during the last five months. In common courtesy they ought to allow some independent Members on this side of the House to express their views on the matter. This is not a party question — it is a national one. How long are the honour and the interests of the country to be made a stalking-horse for the political interest of the President of the United States? I rise to ask what will become of the Canadian guarantee in the event of the negotiations falling through? Lord Russell, when Foreign Secretary, at the time of the escape of the *Alabama*, insisted that we

were not liable for any losses or damage consequent on the escape of that vessel; but we have now admitted our liability for the direct losses, and the Prime Minister has admitted our liability for the money expended by America for cruisers in pursuit of the *Alabama* and her consorts. We have made an apology for injuries which we never committed, and we are now to compensate Canada for Fenian raids committed by American citizens by guaranteeing her a loan of £2,500,000. The Americans peremptorily refused to recognize those damages in the Treaty, and we instantly yielded. The Prime Minister now says no difference exists between the two Governments as to the Supplemental Article. Why, then, is it not concluded? We have shown the Ministry the utmost forbearance for five months, yet after wasting that period they ask for eight months more, on the plea that the good sense of the two parties is sure to lead to an arrangement. I do not, however, see any certainty of a settlement being come to at the end of that time. If we give the American Government eight months' delay, it will be made use of for political purposes in the Presidential election, and if Parliament is prorogued without a distinct arrangement we may be committed during the Recess to something even worse than the Treaty, so that "the last state of that man will be worse than the first." If the Government are determined to conclude a Treaty *coûte que coûte*, the sooner the thing is at an end the better.

LORD JOHN MANNERS: I understood the right hon. Gentleman to say that after this phase of the negotiation is concluded, all the Papers will be presented to Parliament; but I did not understand him to promise that they will be presented in time for the House to express an opinion on the wisdom or unwisdom of postponing the proceedings at Geneva for eight months. I wish, therefore, to ask him, whether he contemplates affording Parliament an opportunity of discussing that particular phase before a decision on the subject is come to between the two Governments?

MR. WATNEY: The duty of the Government is surely to settle the question of the Indirect Claims before settling what arrangement is to be made for the future. We ought to stand firmly to our

Sir James Elphinstone

position on the former point before attempting to arrange for the future.

MR. GLADSTONE: As various questions have often been put to me, and one or two constructions placed upon portions of my speech, the House will, perhaps, allow me to answer those questions, though I believe I should not be strictly in order, except by permission. With respect to the observations of the hon. Gentleman the Member for Wiltshire (Sir George Jenkinson), he stated that he would put a question to me; but I did not understand him to put any question to me in the sense that is commonly understood. [Sir GEORGE JENKINSON: I asked, what would become of the Canadian Treaty if the negotiations fall through?] That is a question which, I believe, I have already answered in reply to the right hon. Gentleman opposite (Mr. Disraeli). I think I stated distinctly that, in case of an adjournment of the proceedings at Geneva, our opinion is that all the other proceedings connected with the Treaty would and should go forward just as if no adjournment had taken place, and just as if the sittings of the Arbitrators at Geneva were to be continued. With regard to what has fallen from the hon. Gentleman the Member for Portsmouth (Sir James Elphinstone), he has asked me whether the Arbitrators had power under the Treaty to adjourn. Sir, it is the opinion of both the Governments, and of those, I presume, by whom they are both advised—certainly of those by whom Her Majesty's Government are advised—that the Arbitrators have a power to adjourn as a body charged with the transaction of important business. With regard to the general observations of the hon. Member, this is not the place for me to resent them, or even to reply to them further than to say this—that we have from the very commencement of this matter marked out to ourselves a path perfectly clear, and from that path we have never deviated, and shall not deviate. In my opinion, the greatest error—the greatest crime against the country and against the trust with which we are charged—of which we could be guilty, would be if we were to allow ourselves to be goaded and stung by accusations of incompetence—however just or unjust they may be I will not inquire—into deviating by one hair's-breadth from that course.

Our business is to act in this matter according to our conscience and convictions, perfectly irrespective of charges of that kind, unless and until these charges be embodied in the vote of an authority to which we are bound to defer; and if that occasion arises, we shall know, Sir, the duty which is incumbent upon us. The hon. Member for Chippenham (Mr. Goldney) complains that, after using every mental effort, he cannot obtain a clear view of the situation from the statement I have made to the House. I do not wonder at that. I professed to give him a view which should be clear as far as it went; but it is not possible for me to give any explanation that can be full or satisfactory to the House, or that can clearly exhibit the whole case until the Papers are laid upon the Table, and Gentlemen have had an opportunity of examining them for themselves. The hon. Member, I am sure, will agree with me that it would be a great mistake if I were to attempt to give such a view as that in the absence of the Papers. It would hardly be fair towards the Gentlemen whom I address, or towards other parties, particularly as the Papers, when they are in the hands of Members, will not be very difficult to master, so far, I hope, as their nature is concerned. With respect to the specific question which the hon. Gentleman put to me, I will answer it with perfect clearness. I stated that we had failed within the time at our command to bring to a conclusion the communications on the subject of the Supplemental Treaty; that communications were still going on with respect to the question of adjournment, and in answer to the hon. Gentleman, with respect to that question only, from the present time—that is to say, from the day on which I speak until Saturday next. The noble Lord opposite (Viscount Mahon) has adverted to the delay in the production of the Papers. When I spoke I had in my mind that we should be able to lay the Papers on the Table by the end of the present week, so that they should be in the hands of Members at the very commencement of the next week, and that it should be possible for them, on a very early day, to raise any question they thought fit with regard to them. The noble Lord the Member for Leicestershire (Lord John Manners) has asked me specifically whether, before coming

to any arrangement about an adjournment of the proceedings, we will give the House an opportunity of pronouncing judgment on that adjournment. I cannot give any such promise. With respect to those matters in which the honour and interests of the country are vitally concerned, the case might be different; and the House knows that the Government had freely engaged that the Supplemental Treaty, which they hoped to form within the given time, and which would have contained a permanent engagement, should be made known to the House of Commons immediately upon its being signed. With respect, however, to the question of adjournment, it would be quite impossible to conduct negotiations with foreign Governments if we were to engage to lay before the House every statement of that kind for its consideration before we bound ourselves to its adoption. I am obliged to the hon. and learned Gentleman the Member for the University of Glasgow (Mr. Gordon) for indicating to me a misapprehension which possessed his mind, because if that misapprehension can occur to one of so much knowledge and intelligence as himself, it probably has occurred to many others. I never intended for one moment—nor has any Member of the Government at any time intended for one moment—to leave it to be supposed that we could be parties to proceeding with the Arbitration upon the Direct Claims, until and unless the question relating to the Indirect Claims should have been satisfactorily disposed of. To exclude the Indirect Claims from the consideration of the Arbitrators is, in our view, an absolute condition to our proceeding to Arbitration with respect to the Direct Claims. I will venture to remove a misapprehension from the mind of the hon. Member for West Cumberland (Mr. Percy Wyndham). The hon. Member said we had admitted in the Treaty that certain descriptions of losses—I have no doubt he referred to the expenses incurred in the capture of vessels—were Direct Claims, and a matter on which the Arbitrators might make their award. That is not so. The only admission we have made is that Claims in that respect may be made and be argued before the Arbitrators; but we are equally free to argue against such Claims, and we are pretty sanguine that

the decision of the Arbitrators will be in our favour. [Mr. PERCY WYNDHAM: They are classed as Direct Claims.] That is perfectly true; they are classed as Direct Claims by America. That is the extent of our admission, which is an important admission—I do not disguise it. The extent of our admission is this—that we cannot take to these Claims for expenditure in keeping cruisers for capturing vessels the same kind of objection that we make to the Indirect Claims—namely, that they are not within the province of the Tribunal. But, as the Treaty has admitted them, we argue that they are totally unfit matter to be made the subject of pecuniary award. The only other misapprehension was that of the right hon. Member for Kilmarnock (Mr. Bouverie), who feared that we might be drawn unawares into a procedure on these Indirect Claims before the Arbitrators, notwithstanding the measures we have taken. All I can say is, that it has been the whole object of our endeavours to prevent that; and to that prevention we are absolutely bound. If we were to fall into such an error, we should, no doubt, receive the censure of Parliament; but that is a danger of which we entertain no apprehension, believing that we have in our own hands the perfect means of preventing its realization.

MR. DISRAELI: The right hon. Gentleman has not made his meaning perfectly clear. Assuming that at the end of eight months—if the adjournment takes place—the Supplemental Treaty should not be negotiated, am I to understand that all the other portions of the Treaty of Washington will be advanced to maturity, and carried into execution?

MR. GLADSTONE: I think the legitimate bearing of my declaration is that the considerations of maturity will arise as these questions come to be dealt with practically; but I am not able to say what the effect will be. If they are absolutely excluded, I do not see how they can be introduced. I can only say—in as far as I can give an opinion, and if I must give an opinion—that if an adjournment take place at Geneva, that adjournment, *ipso facto*, will have no effect on the other proceedings under the Treaty, and those proceedings may go forward as if no adjournment had taken place.

Mr. Gladstone

MR. DISRAELI: The right hon. Gentleman will understand that I have no wish in pressing these questions, except that the House should obtain the clearest possible idea of the true position of the question. Am I to understand this—that in this controversy respecting the Indirect Claims we are to forfeit all inducements to the United States to forego these claims by allowing them to accomplish all their objects, although that question may be unsettled?

MR. GLADSTONE: The question involves an opinion, which the right hon. Gentleman seems to entertain, that the American Government has great objects to attain by means of those portions of the Treaty which are not referred to the Tribunal at Geneva, and that it is in consideration of attaining those objects that they are anxious to go to Geneva. Now, so far as we can judge from the information we have received, or from the language of the American Government, we conclude that the American Government are of exactly an opposite opinion, and consider that it is we, not they, who have an interest in pushing forward those portions of the Treaty which are not subjects of the present negotiation. They consider it is we, not they, who have an interest in carrying them forward and in bringing them to an end.

MR. W. M. TORRENS: I wish to ask the right hon. Gentleman a question arising out of the answer that he has just given. Has not the American Government, during this long period of negotiations, steadily taken a tone that implies that they require an assurance that the whole of the three great questions submitted in the course of the negotiations shall be settled if they agree especially on the San Juan Boundary question? I ask the question, because I have reason to believe that the American Government—not yesterday, but at various times, and in the most express manner—have signified that they will not agree to waive what they consider the advantages of the San Juan Boundary unless that they believed that we were going to settle with them fully and completely the *Alabama* Claims.

MR. GLADSTONE: It is extremely difficult to follow all the points that have been raised. The American Government has contended that the whole of the Treaty must stand or fall together, and

I do not think I should be justified in going further. They consider it is we, and not they, who have a special interest in pushing forward and carrying to completion all those parts of the Treaty which are not in Arbitration.

MR. PERCY WYNDHAM: Is it not a fact that the Americans have fished in the waters of the Dominion—in Newfoundland and Prince Edward Island—and does not the equivalent for that depend upon the ratification of the Treaty?

VISCOUNT ROYSTON: I wish to ask the right hon. Gentleman whether he can give an explicit promise to the House that he will put them in possession of all the Papers relating to this question before a certain date?

MR. GLADSTONE: I hope by the end of the present week—as I have already stated—to be able to produce all that can be produced according to the forms of the House. The question of the hon. Member (Mr. Percy Wyndham) is purely argumentative, and he had better put his Question on the Paper for my hon. Friend the Under Secretary for the Colonies to answer.

MR. GREGORY: I understand—and have understood all along—that the question of the Canadian Fisheries was always a great point made by the American Government, and a stipulation is contained in that agreement upon which they insist. And that leads me to a consideration connected with the parts of the Treaty which are proposed to be carried into effect. I understand that the equivalent to be given by us to the Canadians is a guarantee of £2,500,000. Now, at all events during eight months the American people will have the benefit of the stipulation with respect to the fisheries of Canada, and during that time the Canadians will raise money for the construction of railways on the faith of our guarantee. Suppose the Treaty goes off, the position of Canada will be a very different one from what it would be under the Treaty. In the meantime, we shall have involved ourselves in a liability of £2,500,000, and after that money is raised it will be impossible to get rid of that liability.

Motion, "That this House do now adjourn," by leave, *withdrawn*.

EDUCATION SCOTLAND BILL—[Bill 31.]
(*The Lord Advocate, Mr. Secretary Bruce, Mr.
William Edward Forster.*)

COMMITTEE. [*Progress 7th June.*]

Bill considered in Committee.

(In the Committee.)

IV.—FINANCE.

Clause 50 (School fees).

MR. COLLINS expressed a hope that, considering the lateness of the hour, the Lord Advocate would promise the House not to proceed further to-day than Clause 63, and not to go into the subsequent clauses, which deal with the religious part of the question. Two hours would not be sufficient for their discussion.

THE LORD ADVOCATE said, he could not at present make such a promise as the hon. Gentleman desired.

MR. ORR EWING said, that before the clause was agreed to he wished to make an appeal to the Lord Advocate with reference to the discussion which had taken place on Friday last at half-past 6 o'clock with regard to the Amendment of the hon. Member for Edinburgh University (Dr. Lyon Playfair). The Amendment was then lost; but he trusted, nevertheless, that the Government would be disposed to adopt it. The Lord Advocate had stated that he did not look upon the subject raised by the Amendment as a vital question, and at first the right hon. and learned Gentleman appeared ready to adopt it; but subsequently, finding that he could command a majority, he had gone to a division, and had been successful in defeating the Amendment. Notwithstanding, however, the opinion of the right hon. and learned Gentleman, in Scotland the question was regarded as a vital one. All the schoolmasters had a right to their own fees in Scotland, and the proposal of the Government, as contained in the Bill, was simply driving hard terms with the schoolmasters, who, it should be recollected, would have a very powerful influence on the education of the country. He regarded the schoolmasters, for this reason, as the most important part of the schools, and consequently, when he advocated their interests, he believed he was forwarding the interests of the scholars. The system they had hitherto adopted in Scotland had been a most excellent one; and, partly in consequence

of the school grants, and partly by the school fees, it had worked most admirably. It had always been stated that hon. Members on that side of the House had misrepresented the opinions of the people of Scotland; but it was a significant circumstance that of the 52 Scotch representatives who took part in the division on Friday, 28 voted for the Amendment proposed by his hon. Friend, and 24 against it. Moreover, three out of the latter were Englishmen, who knew very little about the subject. Besides, that number included six Members of the Government. He thought that, for the future well-being of the education of their children, the Scotch Members ought to ask for some concessions to the general feeling of Scotland, and he hoped the Government would, on the Report being brought up, introduce an Amendment similar to that which his hon. Friend had proposed. It was perfectly evident that it was the intention of his right hon. and learned Friend the Lord Advocate that the school boards should not only appoint head teachers, but all the persons engaged in teaching in the schools. He trusted, however, that the head schoolmasters would still be permitted to nominate their assistants, as otherwise a state of confusion would, in all probability, ensue. He hoped, in conclusion, that his right hon. and learned Friend would make some concessions to their very reasonable demands.

Clause agreed to.

Clause 51 (Teachers houses).

MR. GORDON rose to move an Amendment. He was unable to understand upon what grounds the schoolmasters were to be deprived of their rights which they had enjoyed from the earliest times. He denied that the doctrines of political economy were applicable to the case of education, and pointed out that the present Bill was brought in because the supply of education was not equal to the demand for it. He did not see why they should depart from existing rules, unless it was with a view to obliterate all that had hitherto worked so well in the management of the parish schools. He therefore moved the addition of the words of which he had given Notice.

Amendment proposed,

In page 19, line 32, to leave out from the word "during" to the word "convenient," in line 36, in order to insert the words "and it shall be the

duty of the School Board in every parish to provide a house and garden in such places as they judge convenient, or to allow a reasonable sum in lieu thereof, for every principal teacher; the extent of the accommodation to be provided, or the sum to be allowed in lieu thereof, being subject to the determination of the Scotch Education Department, whose decision shall be final."—(*Mr. Gordon.*)

MR. M'LAREN protested against the assumption that this was a question which only affected the schools in counties. The burdens imposed rested mainly on the towns, and of the higher class of day schools there was not one in a county. There were 11 in Royal burghs and two in Parliamentary burghs, and all that was proposed in the Bill was that there should be a common collection in respect of all of them. That had been characterized as an extraordinary proposition, and as one inconsistent with the character and usage of those schools; but he begged to remind the Committee that such was the practice at the present moment in the High School of Edinburgh. In fact, every town or district had its own usage, and the management of these matters ought to be left to the common-sense of the persons concerned. It was proposed by one hon. Member that the salary of schoolmasters in the towns should not be less than £50 or more than £80, and that was said to be in the interests of the teachers, but he maintained that it was against them.

MR. CRAUFURD said, the hon. Member was speaking on the wrong clause. The clause before the Committee related only to teachers' houses, or a money payment in lieu of such houses.

THE LORD ADVOCATE said, that the Bill provided that it should be within the discretion of the school board to provide gardens, and when necessary they would have the power to provide houses. The object of the Amendment, however, if he caught the meaning of it aright, was to make it compulsory upon the school board in every parish to provide a house and garden for every teacher under the board. [*Mr. GORDON: Every principal teacher.*] How could anyone say—"No matter how inconvenient or unsuitable it may be to provide a house and garden for the teacher, it shall be the bounden duty of the school board to provide them." That was the literal meaning of the hon. and learned Gentleman's words. The principle of the Bill on this point was, it might be necessary or it

might be convenient to provide schoolmasters' houses and gardens in such places as they thought suitable; and that if they agreed it was necessary, or, short of necessary, convenient, that a certain remuneration be given instead of the house, power was given to do it. The hon. and learned Gentleman had stated on a former occasion that he intended to make it obligatory upon the school board to provide a house and garden for each teacher; but now he corrected himself by saying "principal teacher."

MR. GORDON called attention to the words "or to allow a reasonable sum in lieu thereof."

THE LORD ADVOCATE asked what was the use of splitting the money paid to the teacher into parts, and saying "So much is for your salary, and so much in lieu of your house?" Such a proposition almost bordered on the verge of nonsense. With regard to the concession asked for by the hon. Member for Dumbarton (*Mr. Orr Ewing*) he begged to inform him that he had no intention of acceding to anything of the kind.

MR. ORR EWING said, the object of his hon. and learned Friend (*Mr. Gordon*) was to perpetuate in Scotland the system of giving a house and garden to the principal teacher; and with that he most heartily sympathized. They wanted to make the schoolmaster as comfortable as possible, and they desired he should have a house and garden near the school, and feel himself an important man in the district. If they made provision of that kind for him, they would not only raise his status, but promote the interests of the pupils, and therefore they wished to perpetuate the system of parochial schools in Scotland which had been imitated by many of the Free Church schools. He thought everyone not influenced by party motives would support this Amendment. The hon. Member for Edinburgh (*Mr. M'Laren*), who had been shut up within the walls of that beautiful city, could not be expected to evince the same sympathy in this matter as country Members; but he must be aware of the importance of having as schoolmaster a man who felt that he was respected and cared for.

SIR EDWARD COLEBROOKE recommended that the clause be altered so as to make it compulsory on the school boards to maintain the houses and gar-

dens attached to the schools which already existed.

MR. SINCLAIR AYTOUN wished to ask the Lord Advocate whether this clause did not give power to the school boards, after parish schools were given them, to sell those schools, or let them for purposes other than those of education?

SIR GRAHAM MONTGOMERY thought that the present school-houses should be maintained, and that they should not be devoted to other purposes.

MR. CRAUFURD said, that the Amendment of the hon. and learned Gentleman (Mr. Gordon) did not alter the clause, but simply restricted the provision with regard to schools to parishes. He hoped the Lord Advocate would adhere to the clause as it stood.

MR. GORDON said, he would, if allowed, withdraw his Amendment and propose it again in an amended form, in which shape he hoped it would receive the support of Scotch Members.

Amendment, by leave, *withdrawn*.

Amendment *moved*, in line 32, to leave out from "during" to "convenient," line 36, and insert—

"And it shall be the duty of the school board in every parish to provide a house and garden in such place as they judge convenient, or to allow a reasonable sum in lieu thereof for every principal teacher—the extent of the accommodation to be provided, or the sum to be allowed in lieu thereof, being subject to the determination of the Scotch Education Department, whose decision shall be final."—(*Mr. Gordon*.)

SIR ROBERT ANSTRUTHER pointed out that there was one feature in the hon. and learned Gentleman's Amendment which had not been noticed at all—namely, that it put vast power in the hands of the Scotch Education Department. He expressed a hope that the clause would remain as it stood in the Bill, as he considered that the matter should be settled between the school master and the local board, because the latter would be fully aware of the importance of doing their best for the schoolmaster.

THE LORD ADVOCATE said, he could not agree to the proposition of the hon. Baronet the Member for Lanarkshire (Sir Edward Colbrooke) that it should be made a statutory duty of the school board to maintain the school-houses; because, although it might be *highly convenient* to maintain them in

Sir Edward Colbrooke

some cases, it might be quite the reverse in others; so that he considered it would be best to leave a certain amount of discretion to be used by the school board. Where there were schoolmasters' residences and gardens in the rural districts it was quite certain that the house would be kept up and devoted to its proper use, while no doubt the school boards would exercise their judgment in the matter in the interests of the districts. But there might be cases in which it would be desirable to use the house and garden as a school-room and play-ground. The houses and gardens were to be vested in the school boards, for the purpose of enabling them to carry out their duties as defined by the statute; and they could not do away with them except as laid down by Act of Parliament. As he had said before, there could be no doubt that in all cases where it was desirable the existing houses would be maintained.

Question put, "That the words 'during the continuance in office of the teachers now in possession thereof, and' stand part of the Clause."

The Committee *divided*:—Ayes 193; Noes 111: Majority 82.

MR. GORDON moved to add at the end of clause 51—

"The School Board shall also pay out of the school fund, and by way of addition to any sums payable out of the Parliamentary grant to each principal schoolmaster or schoolmistress, an annual salary, to be fixed on the occasion of each appointment, of an amount (unless the Scotch Education Department shall in any case otherwise determine) not less than fifty pounds nor more than one hundred pounds in the case of a schoolmaster in a burgh school, and not less than thirty-five pounds nor more than eighty pounds in the case of a school in a landward parish, and not less than twenty pounds nor more than forty pounds in the case of any schoolmistress. The schoolmaster or schoolmistress shall likewise be entitled to the interest or annual produce of any bequest or endowment for his or her behoof."

THE LORD ADVOCATE said, that, as the question had already been once decided, he must decline to repeat the arguments which he then urged against the proposal.

MR. GORDON denied that the Amendment was similar to the one which had already been rejected, because the former Amendment involved the question of fees under the Parliamentary grant as well as of salaries. There had been a similar

proposal in the Bill introduced last year.

MR. MACFIE said, he should support the Amendment unless he heard a very strong argument from the Lord Advocate against it. He believed the hon. and learned Gentleman by bringing it forward was doing good service to the schoolmasters and to education generally.

MR. ORR EWING supported the Amendment, but thought there was little use of going to a division, but to trust that better terms might be obtained for teachers in "another place," where their services might be more appreciated.

Amendment *negatived*.

Clause *agreed to*.

V.—TEACHERS.

Clause 52 (Teachers in office before the passing of the Act. Teachers appointed after passing of Act).

DR. LYON PLAYFAIR moved, in page 20, line 5, after "schools," leave out to end of clause, and insert—

"And every appointment shall be during the pleasure of the School Board, who shall assign to them such salaries as they think fit: Provided, that the principal teacher of every public school, in addition to such fees and such sum from the Parliamentary Grant as may be agreed on between the School Board and such teacher, shall receive annually from the local rates not less than ten pounds if his certificate of competency, as hereinafter required, is of the lowest class or degree, and not less than fifty pounds if his certificate is of the highest class or degree, and not less than such sum above ten pounds as shall be prescribed in the minutes of the Scotch Education Department, as hereinafter provided, if his certificate is of an intermediate class or degree."

The hon. Gentleman said: The object of this Amendment is to preserve for Scotland the advantages of the certificate system which it at present possesses. I must remind the Committee that, though both English and Scotch inspected schools are examined by the Revised Code, Scotch schools are not paid by it, but are still paid and governed by the old certificate Code. Scotland has hitherto resisted the application of the Revised Code, and has as yet not the least inclination to go under its yoke. Government payments to schools in Scotland are made in proportion to the class of certificate which the teachers hold. These payments vary from £15 on the lowest grade, to £30 on the highest. The system, at the present moment, in Scotland is this—Suppose the managers of a school desire a teacher, they apply to the Committee of

Privy Council for his services, and the Committee make it a condition that the managers shall contribute an equal payment by subscriptions, and guarantee a like amount from fees. Thus, if the teacher's certificates carry a payment of £20 from the Government, the school managers must provide £20 by subscriptions, and, in most cases, must guarantee a third sum of £20 by fees. That is the actual code ruling of Scotch inspected schools at the present moment, and no one alleges that it works badly. In fact, examination by the Revised Code proves that Scotch schools have a considerably larger percentage of passes than English schools. Now, what I propose by this Amendment simply is to retain for Scotland the advantages of its present certificate system, without preventing the Government from adopting the Revised Code in future, for I bow to the inevitable. My proposal is nothing more than that ratepayers, or their elected representatives, should place themselves in the position of existing school managers; for, as they assume their functions, they ought to contribute to the salaries of teachers, as school managers have always hitherto done without a murmur. The Lord Advocate will no doubt say that my proposal is only a minimum salary under another name. No doubt it is. It is a minimum salary, not on a dead level for all teachers, whether good or bad; but one dependent for its amount on the varying qualifications of teachers. Why should we destroy the certificate system in Scotland merely to please the Committee of Council's ideas of uniformity? I do not ask for one penny from Imperial taxation. I only ask for power for the Scotch ratepayers to apply the inevitable payment of the rates in the direction which past experience has shown to be most productive in results. Nor will this mode of payment add one shilling to the rates, for these must be forthcoming to an amount which will supplement the fees so as to equal the Government grant, otherwise no grants will be given. To understand this, let me remind the House that the Scotch Commissioners have shown that average attendances in each country school in Scotland amount to about 70 children, and that their average fees are 8s. 8d. Now, the cost of education is 30s. per child, so that the expense of our typical school is £105. To meet this the school,

if entirely successful, may win the maximum of 15s. per head from Government grants, or £52; but, as a condition for obtaining this sum, it must provide an equal sum from fees and rates. But the fees are only £30, so that the inevitable rates must be £22. Now, I should be exceedingly satisfied with the working of my Amendment if it produced an average sum of £22 on the certificates. So that it is obvious the rates need not be increased by a single shilling, and the current expenses, beyond the teacher's remuneration, might be met by an imposition of the school board upon the fees and the Government grant. Besides, the scheme, as I propose it, would come very gradually into operation. It would not apply at all to the present occupants of parochial schools, nor would it extend to denominational schools. It would, therefore, be of very gradual introduction, and would thus give ample time to show its effects before they became very extended. I hope the Committee will clearly grasp this fact—that the Amendment does not operate at all on Imperial taxation, and that it does not add a shilling to local taxation, but only directs that into old channels which experience has proved to be very useful to the interests of the country. Who, then, objects to the proposed Amendment? Not the schoolmasters; for they have petitioned in its favour. Not the ratepayers; for they have sent up no Petitions against it, and various important bodies have petitioned in its favour. But, though I have not yet heard of any public objections, I know the official objections which are likely to be brought forward against the adoption of this Amendment. Thus, we may be told that the scheme will be to the disadvantage of teachers, by limiting the area of selection of those who obtain a high class of certificate, with a proportionately high amount fixed on it. I may here mention that my very highest sum is £50 less than the average fixed salary of parochial teachers at the present moment, and that the lowest is the paltry sum of £10. What reason is there for saying that a high certificate carrying a higher payment will prevent a teacher being in demand? None that I know of, except that it may be convenient to use it for the purpose of to-day's debate. *Experience is all the other way, and of that there is ample, for Scotland enjoys the*

Dr. Lyon Playfair

certificate system at present. Now, it is well known that the active demand at the present time is for teachers with highly-paid certificates, and the lowest demand is for teachers with cheap certificates. If to the results of this experience it is replied—"That may be true at the present time, with school managers of culture and intelligence, but it may not be so with local boards elected by ratepayers," then I say that is a condemnation of the scheme of local boards proposed by this Bill. The Lord Advocate ought to be the last man to doubt them, for he has always contended that they will be well qualified to fulfil every duty of school managers. If the point of the objection be, that a highly-qualified teacher has a smaller number of situations open to him than an inferior teacher, that is a truism applicable to all such cases. The Professor of an University has fewer places open to him than the teacher of a secondary school, and the latter than the teacher of an elementary school. But this fact only operates disadvantageously, when there is a greater supply of highly-qualified teachers than there is a demand for them. That is not the case with our Scotch elementary schools at present, and it will be the faulty operation of this Bill if it be so in the future. Highly-certificated teachers are in greater demand than supply. Besides, as I have already mentioned, the system is not rigid but elastic. Both the fees and the grant go into the school fund, out of which the local board can readily adjust the conditions of the teacher's remuneration. Recollect, that I am not proposing a new thing, but only desiring to maintain the present certificate system, which has worked so well, both in the interests of schools and of their teachers. Surely a class of men are generally alive to their own interests, and when they want a continuance of the system, we need not be afraid that we are doing them an injury. It is not for the teacher's interest, but for the public interest that I press this Amendment. Under the English Revised Code the qualifications of teachers have much deteriorated. It is actually the case that, before 1857, a pupil teacher passed a higher examination than a principal teacher now requires to pass. Such a deterioration in our teachers would be fatal to Scotch education, because it is the custom in Scotch schools to teach secondary subjects of

instruction. By maintaining the certificate system, with payments augmenting according to qualifications, you induce the teachers to study higher subjects, and there is little fear that when they possess the knowledge they will refuse to impart it. Thus you will prevent that lowering of the qualifications of teachers which has within the last few weeks been specially reported upon by the Royal Commission on Science. After that damaging Report, the qualifications of English teachers must be raised. I now ask you not to allow the qualifications of Scotch teachers to be lowered by a similar operation of the Revised Code, and thus to render it unnecessary for some Royal Commission, 10 years hence, to remonstrate with the Government for having allowed them to sink so low. My right hon. and learned Friend the Lord Advocate, in his anticipatory answer of my speech last Friday, told us that we have the security that local boards will desire the continuance of higher subjects in schools, and will therefore select highly qualified men to teach them. If the constitution of the local boards insured the same class of men upon them as at present, no doubt this would be the case. Hitherto they have consisted of heritors and ministers, both classes having been educated in public schools and Universities. These men of culture and intelligence appreciated the value of higher subjects, and liked to see them in the schools under their care. But what security have you that the new boards will have members of an equal amount of education? In large towns this may be so; in small towns and country districts it is not probable that the ratepayers will secure members of equal culture. There has been already some experience on this subject in Scotland, and I will describe it, especially as I am about to quote the words of the Lord Advocate's own secretary, when he was Assistant Commissioner to the country districts under the Scotch Education Commission. Mr. Sellar says in his official Report—

"It is no exaggeration to say that from the most southern part of Scotland to John o' Groat's we were met with the same outcry—'Save us from local boards.'"

He shows that 48 per cent of the schools managed by local boards were unsatisfactory; and he continues—

"The real worth of a teacher is not the point that is solely regarded by electing bodies of this

kind. They know that they are not qualified to decide upon a teacher's merits, and they fly off on some course which they think they can understand."

Possibly, by this time, the Lord Advocate may have converted his secretary from his former opinions to those more consonant with his own; but I hold by the experience and fresh impressions of the Assistant Commissioner, and think he was right. I agree with him that local boards in country districts, though less so in towns, will require to be educated to their duties, and are not likely, for some time at least, to be good judges of the qualifications of teachers. I wish, therefore, to give to the teachers themselves a motive and a stimulus to higher qualifications by maintaining that certificate system under which they now work in Scotland. It will do no one any harm; it does not render more expensive or more complex the central administration; it does not do more than give to the inevitable payment of rates that direction which experience has already proved to be productive of admirable results. It helps to maintain the characteristics of Scotch education, and prevents one uniform Anglicising of our schools, regardless of our national peculiarities formed by the experience of centuries, and which ought not to be thrust aside by the 12 months' experience which England has of a national system. For these reasons, I do hope the Committee will support me in carrying this Amendment, upon which I must divide if it be not accepted by the Government.

Amendment proposed,

In page 20, line 5, to leave out from the word "schools" to the end of the Clause, in order to insert the words "and every appointment shall be during the pleasure of the School Board, who shall assign to them such salaries as they think fit: Provided, That the principal teacher of every public school, in addition to such fees and such sum from the Parliamentary Grant as may be agreed on between the School Board and such teacher, shall receive annually from the local rates not less than ten pounds if his certificate of competency, as hereinafter required, is of the lowest class or degree, and not less than fifty pounds if his certificate is of the highest class or degree, and not less than such sum above ten pounds as shall be prescribed in the minutes of the Scotch Education Department, as hereinafter provided, if his certificate is of an intermediate class or degree."—(*Dr. Lyon Playfair.*)

THE LORD ADVOCATE said, it was certainly due to his hon. Friend, who

had paid so much attention to this subject, that he should give his best and most earnest consideration to any Amendment proposed by him. He confessed, however, that he could not give his assent to the Amendment. It seemed to him to be open to those objections which he stated against the proposal of his hon. and learned Friend the Member for the University of Glasgow (Mr. Gordon) on a former occasion. It was also objectionable, as being not only not in favour of, but directly, and very hardly, and even harshly detrimental to schoolmasters; and he was not persuaded that that view was unsound because schoolmasters had petitioned in favour of the Amendment. It did not apply to any existing schoolmasters at all, and he was doubtful whether those who had petitioned in its favour had altogether appreciated it. It regarded candidates for the office of schoolmaster, and provided for degrees in certificates of competency 1st, 2nd, and 3rd—the 1st being the highest. It was the universal experience that masters who had attained the highest certificates were not necessarily in practice the best, the most successful, and most efficient teachers. That was not true with respect to teachers obtaining first class certificates any more than it was true with respect to professional men or men engaged in business, that those who had received the highest honours at school or college were always the most successful in the prosecution of their profession or business. He quite admitted that the probability was that it might be, and that the teacher with a high class certificate would succeed better than a teacher with a low class certificate; but the advantage of a certificate to him was as an introduction and as a recommendation to begin with; but after he had entered upon the office of teacher, he would succeed or fail, obtain a higher or lower remuneration, continue in or leave his employment, according to his success; and it did not at all necessarily depend upon the class of his certificate. Now, this Amendment—unless he quite misread it—created a statutory disability against teachers holding a certificate of a high class, because it rendered it illegal for them to expect employment as teachers upon such terms as they could get, and were willing and anxious to take. Suppose there was a vacancy in the office of teacher in a public school

in Scotland, and the school board being able to give a salary of, say, £120 a-year, advertised the vacancy, and invited candidates to bring forward their testimonials. According to the best calculations that could be made, £100 out of the £120 would be contributed by the fees and the grants, leaving only £20 to be paid out of the rates. They could not, therefore, have a first class schoolmaster with a first class certificate. He could not apply for the situation, because he was prohibited by Act of Parliament from taking it, if this Amendment were passed, unless £50 was paid out of the rates. And let him, therefore, be ever so willing and anxious to take the place, and let the board be ever so willing and anxious to have him, he was yet prohibited by law from entering into that contract, and they must take a schoolmaster on a lower certificate, because, to satisfy the condition of the statute as it would stand in this Amendment, £20 out of the rates would only secure a teacher with a lower class certificate. In addition, therefore, to all the evils which would arise from interfering with the just rights of schoolmasters and school boards to make their own bargains, they would have this evil, which he considered would be a monstrous hardship to the teachers, that they would say to him—"We prohibit you from taking any situation unless you can get £50 out of the rates." Upon these grounds he must oppose the Amendment.

MR. SAMUELSON, as a Member of the Commission which had been referred to, supported the Amendment. If there was to be no value attached to the certificates of the various grades, what was the use of a certificate at all? He hoped the hon. Member would make a stand upon this—that until they were better informed upon the subject, they would not allow the degradation of schoolmasters to proceed.

MR. M'LAREN said, he held in his hand a letter from a heritor of a very small parish, the population of which was under 200 souls. There were 15 children at the parish school, and the emoluments of the teacher were £70 a-year, and had applied for an additional £8. He pointed out that in this instance the Amendment would not work beneficially; nor, in another instance, of a parish in the northern counties,

which was 60 miles long. There were in this parish 60 schools, and the Amendment would fix an arbitrary high rate for the payment of masters of each one of them.

MR. CRAUFURD said, the Committee had already decided against fixing a minimum salary. This was a proposal to fix a minimum salary, though at greater inconvenience to the teacher and the scholar.

DR. LYON PLAYFAIR, in reply, said, that in order to meet the cases of the Highland districts, he began with as low a salary as £10. In answer to the Lord Advocate's objection, he contended that the fees and grants hinged on the roughly elastic method of making whatever salaries the school boards liked to have. He should press his Amendment to a division.

MR. GORDON approved of the Amendment of his hon. Friend, and would give it his vote, although it did not go so far as he could wish.

Question put, "That the words 'who shall assign to them such salaries or emoluments as they think fit' stand part of the Clause."

The Committee divided:—Ayes 141; Noes 106: Majority 35.

Committee report Progress; to sit again upon *Thursday*.

PARLIAMENT—COUNTS OF THE HOUSE. RESOLUTION.

MR. BOWRING rose to move — "That every Member taking notice that 40 Members are not present shall do so from his place." The hon. Member observed that the late Speaker stated before the Select Committee on Public Business, which sat last year, that it would be desirable that Notice should be taken that 40 Members were not present in a public manner; and Sir Erskine May also stated that it would be desirable to attach some personal responsibility to the act of taking Notice that 40 Members were not present, and not to have it done furtively, as it were, from behind the Speaker's Chair. He (Mr. Bowring) also quoted an extract from *The Illustrated London News* of 1860 to show that the present practice was of modern origin—

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at a quarter after Nine o'clock.

HOUSE OF COMMONS,

Wednesday, 12th June, 1872.

MINUTES.]—NEW WRIT ISSUED—*For* Bedford County, *v.* Francis Charles Hastings Russell, esquire, now Duke of Bedford.

PUBLIC BILLS — *First Reading* — Juries Act Amendment (Ireland)* [195].

Second Reading—Criminal Trials (Ireland) [47], *put off*; Wildfowl Protection [46]; Agricultural Children [104]; Mines Dues [177], *debate adjourned*; Masters and Workmen (Arbitration)* [123].

Committee — *Report* — *Third Reading*—Elementary Education (Provisional Order Confirmation)* [175]; Tramways (Ireland) Provisional Order Confirmation)* [181], and *passed*.

Considered as amended—*Third Reading*—Tramways Provisional Orders Confirmation (No. 3)* [188]; Tramways Provisional Orders Confirmation (No. 4)* [189], and *passed*.

Withdrawn — Municipal Corporations (Ireland) Law Amendment [79].

CRIMINAL TRIALS (IRELAND) BILL.

(*Sir Colman O'Loghlen, Sir John Gray, Mr. Pim, Mr. Synan.*)

[BILL 47.] SECOND READING.

Order for Second Reading read.

SIR COLMAN O'LOGHLEN, in moving that the Bill be now read a second time, said, the measure was a supplement to the Bill for the amendment of the jury system in Ireland which was passed last Session by Lord O'Hagan. In the drafting of that Bill some mistake had occurred which had hitherto rendered the Bill a dead letter, and another Bill was now before the House to give life and operation to the Act of last year. By that Act it was proposed to reform the qualification of jurors, to distribute more equally the duty of serving upon juries, and to purify the administration of justice by putting some check on the unlimited discretion of sheriffs in selecting and returning jury panels for the trial of civil and criminal cases. So far it was good; but it was defective in not dealing in any way with the monstrous and unjust practice which allowed the Crown an unlimited number

of peremptory challenges. Before Lord O'Hagan's Act passed, the sub-sheriffs in Ireland had absolute discretion to return what names they pleased to serve on juries, with the exception that they were bound to take the names from the existing jurors' book, and the effect was, that in almost every case in which political or religious feelings were involved, objections had been raised that the jurors had been unfairly returned. The best remedy for that state of things would probably have been to confine sheriffs to the duty of summoning the jurors, and to leave the selection to be made by Ballot in open court; but this course was not adopted, and in lieu of it the Bill of last Session provided that the sheriff should return in future one juror from each letter in the alphabet in succession, going regularly through from first to last as often as occasion might require. This was, no doubt, a great improvement upon the present system; but time alone would tell whether it would carry out the object aimed at. His (Sir Colman O'Loughlen's) present Bill dealt with a most important matter—a matter which the Bill of his noble Friend in no way touched upon—the right of challenging jurors; and it was intended to provide that jurors in criminal trials in Ireland should henceforth be chosen, as in civil trials, by Ballot, and to abolish the power of the Crown in such trials to set aside jurors without cause assigned to an unlimited extent. Under the existing state of the law, in civil cases there was no right of peremptory challenge, and no juror could be challenged without cause. In criminal cases, however, the law was entirely different. The accused had the right of challenging a certain number of jurors peremptorily without assigning any cause, and in all criminal cases the Crown could challenge as many jurors as it pleased without assigning any cause. The whole system of challenging jurors was at present very anomalous; for a person charged with treason or felony was entitled to a challenge peremptorily, but a person charged with a misdemeanour was not. Now, considering that in these days misdemeanours were punishable with penal servitude for 10 or 15 years, or even for life, he thought the right of peremptory challenge should be extended to misdemeanour as well as to felonies. In the case of the Tichborne Claimant, for in-

Sir Colman O'Loughlen

stance, it was in the power of the Crown to try the prisoner either for a felony or for a misdemeanour; and, if tried for felony, he would be entitled to object to 20 jurors, whereas, if tried for misdemeanour, he could object to none at all. By an ordinance of Edward the First, it was intended to do away with the right of peremptory challenge on the part of the Crown which existed under the common law, and to compel the Crown whenever it challenged to assign a cause. Unfortunately, however, that ordinance subsequently received a judicial construction—especially from Chief Justice Pemberton, and other Judges of the 17th century, when the Bench was disgraced by men like Scroggs and Jeffreys—which had the effect of practically repealing it, and of giving the Crown an unlimited power of challenge. The object of his Bill, therefore, was to provide that, on all criminal trials, the Crown should have the same right of challenge only as the subject, and should not be allowed to bid jurors to stand by till the panel was gone through. The last time the question was raised in the Courts was in 1838, when, in Frost's trial, Sir Frederick Pollock, afterwards the Lord Chief Baron, asked the Court to set aside the old decisions of Charles II. as erroneous. On that occasion that distinguished lawyer drew the attention of the Court to the fact that the panel consisted of 240 names; that the challenges for cause, coupled with the 35 peremptory challenges to which the prisoner was restricted by the law, could hardly be expected to exceed 50; that deducting those 50 from the 240 names on the panel, there would remain 190 jurors, and that the Crown would have the right by postponing its challenges for cause to select precisely the 12 individuals out of the 190 that it might think most convenient for the administration of justice to select, and that thus the Crown would have the means of packing the jury. And, again, Sir Fitz Roy Kelly, the present Lord Chief Baron, on the same occasion, said that if their Lordships were to give their sanction to the doctrine contended for by the Crown, then the officers of the Crown would have the right to pack the jury and to select the 12 jurors that were to try the prisoners, and that he could hardly believe that, in a Court of Justice now-a-days, when the point was put forward and made intelligible to

those who heard it discussed, the Officers of the Crown would stand up and defend so monstrous and unjust a claim. The Bill which he now asked the House to read a second time proposed that jurors in criminal as well as in civil cases should be selected by Ballot, and that the Crown should have just the same rights of challenge as the prisoner had and no more. He could not say exactly what was the practice in England; but he knew that in Ireland the excessive right of challenge on the part of the Crown had been most injurious to the proper administration of justice. In 1839 a Committee of the House of Lords was appointed to inquire into what was called "crime and outrage" in Ireland, when Judge Perrin, one of the most distinguished constitutional lawyers who ever sat on the Bench, gave evidence to the effect that the practice of setting aside jurors by the Crown was most disagreeable to the jurors personally, and that it was generally injurious to the administration of justice, by tending to create a feeling in the minds of the people that the verdict was not the result of a cool, deliberate, and impartial trial, but might have been affected by the opinion of particular individuals designedly put upon the jury, and by enabling the prosecutor, especially in misdemeanour cases, to set aside any jurors he pleased in order to prevent a vigilant, searching, impartial, and painstaking inquiry by persons whom he thought able and likely to institute it, if he thought his case an infirm one. The learned Judge further said that the practice amounted in many cases to packing the jury, and that he thought the names of the jurors should be drawn by Ballot as in civil cases, and that the right of peremptory challenge should be equal in the case of the prisoner and of the Crown. The learned Judge also said he had known many instances in Crown prosecutions where he thought the practice had been improperly and injuriously applied. In 1834, in a trial for the murder of a clergyman of the Established Church, arising out of the Tithe Agitation, a number of persons were set aside by the Crown. A Return of the names of the persons so set aside was made to Parliament on the Motion of the then hon. Member for Kildare, from which it appeared that a considerable number of persons were set aside who were principally Roman Catholics and persons who

were connected with Roman Catholics by marriage. There was thus ample evidence that up to 1838 the power of the Crown in the matter of challenge was frequently abused, and he regretted to say that even up to the present time cases had occurred in which he himself had witnessed an abuse of that power. He had been present at most of the political trials of recent years, and he had seen many instances which seemed to show that the practice was still in force; and was capable of being put into force in all cases in which the feelings of the Irish people were excited. Those who at one time seemed to be very acute in their opposition to the practice, and who were aware of all the evils which resulted from it, lost their acuteness and changed their opinions when they became Attorney Generals for Ireland, as they then undertook the defence of the system which they had before condemned. In the language of Pope—

"Vice is a monster of so frightful mien,
As to be hated needs but to be seen;
Yet, seen too oft, familiar with her face,
We first endure, then pity, then embrace."

He intended this measure as a supplement to Lord O'Hagan's Act, and he only regretted that the noble Lord had not had last year the courage to go a step further than he had done, and to have rendered his measure complete by embodying in it the proposals which were put forward in the present Bill, for he thought all must coincide with him in saying that it was an odious system which gave power to the Crown to pack juries as at present. Not only that, but as a matter of principle it was most important that the practice should be done away with, because it was calculated to make the people say when a fair trial had taken place, that the reverse was actually the case. If, as it had been said, a conviction could not be had in Ireland without packing juries, it would be better to abolish trial by jury there, and allow Judges in criminal cases, as in Election Petitions, to be Judges of law and of fact. He was happy to say that the English Law Officers of the Crown had introduced a Bill into that House, in which they proposed that jurors should be selected by Ballot in criminal as well as in civil cases, and to limit the number of peremptory challenges by the Crown to 24 as against 12 on the part of the prisoner. Under those circumstances,

he could not see how it could be contended by the Government that a change in the law which would be beneficial to England would not be equally beneficial to Ireland. Although he was afraid that he should not be successful in carrying his Bill during the present year, he intended to divide the House on the Motion for its second reading, and if it were rejected he should bring it forward Session after Session until it became the law of the land. The right hon. and learned Baronet concluded by moving the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Sir Colman O'Loghlen.*)

THE ATTORNEY GENERAL FOR IRELAND (Mr. Dowse) said, he should have been glad had some other hon. Member risen to address the House upon this subject before he spoke upon the Bill on behalf of the Government—in the first place, because he was anxious to hear all that could be said in favour of the Bill; and, secondly, because he was the only Member of the Irish Government present on that occasion. As, however, no one had risen to support the Motion, he had to say on the part of the Government, that they could not assent to it, and he therefore hoped he should be able to satisfy the House that it would be inexpedient to read the Bill a second time that day. He was convinced that the measure could not become law during the present Session, and he deprecated the practice which had sprung up of reading Bills with the principle of which the House disagreed, a second time, when there was not the slightest chance of their ever being committed, merely, with the view of making things easy. Even if the House were to agree with the principle of the Bill, he thought the time had not yet arrived for the introduction of this measure. His right hon. and learned Friend said that the Government had passed a Jury Act last Session, and that it was a step in advance, and a great improvement in the law, but seemed surprised that it had not come into operation yet. No doubt, it was a great step in advance, but it could not come into operation until the first day of Hilary Term in 1873. There were provisions in the Act which would have enabled it to come into operation sooner; but, owing to an error, the City

Sir Colman O'Loghlen

of Dublin could not be included in the Order in Council, which was a condition precedent to the Act coming into operation before the term he had mentioned. It was considered advisable, therefore, not to bring it into operation as to the rest of Ireland. His right hon. and learned Friend had alluded to his want of acuteness in not discovering certain points in connection with this subject; but he should recollect that the Bill came down to him from the House of Lords, where he (the Attorney General) supposed there was as much acuteness running to waste as there was in the House of Commons. Therefore, if he found fault with him for want of acuteness, he would have to find fault with others also. The Jury Act, it had been said, when it came into operation, would cause a great reform in the jury law. Reform was very much needed. He was of that opinion, both before he took office as Attorney General and now that he filled that office. He had forfeited none of his opinions upon the question for the purpose of taking office, as some hon. Gentlemen might think; and if he had to sacrifice any of his opinions in order to hold office, he would gladly give it up to-morrow. Turning to the arguments of his right hon. and learned Friend, what did the 19th section of the Jury Act provide? It provided that those who were to serve upon a jury panel should have their names drawn up in alphabetical order. The intention was, in fact, to have a sort of roster; when that was done, the list was made out, and constituted the panel. That was the mode of proceeding, and the sheriff was deprived of the objectionable power now possessed by him of selecting the jury. The right hon. and learned Member for Clare had coolly said that his Bill was a supplementary Bill to that of Lord O'Hagan's. It might be supplementary, but it was supplementary in such a manner as to do away altogether with the one to which it was supplementary. His right hon. and learned Friend had given them to understand that Lord O'Hagan was entirely of his opinion in this matter; but that, as he did not like to interfere with the Prerogative of the Crown, he had left it to be dealt with by a private Member. [*Sir COLMAN O'LOGHLEN* said, he did not for a moment mean to say that the Bill was proposed to him by Lord O'Hagan.] Well, then,

his right hon. and learned Friend meant to say that Lord O'Hagan did not propose it to him, but left it lying about for any private Member to take up. ["No, no!"] Very well, let that pass. He would ask the House the question, were they never to have an end to legislation of the present kind? In Ireland, the House should remember, there was a public prosecutor, who represented the Crown in the conduct of prosecutions, except in very few instances, such as those of libel or private fraud. That, he contended, was a wise arrangement, because the Crown imposed the responsibility of the prosecution upon the Attorney General, who was a Member of the Administration, and therefore amenable to the Government for his conduct. There was no danger, therefore, of any abuse of the power now possessed, while in private prosecutions the power was taken away by the Act of 1871. It would be far better to leave matters as they stood at present, and wait and give the Act which would come into operation in 1873 a fair and impartial trial. There were too many little useless Bills like his right hon. and learned Friend's smuggled through the House at an early hour in the morning—indeed, Parliament had passed not less than 4,000 public statutes during the present reign—and he did not think the present Bill was any better on the ground that it was being discussed at half-past 1 in the afternoon instead of at the same hour in the morning. It was a Bill, moreover, which ought never to have been brought in, as there was a deliberate arrangement entered into last Session with respect to the jury laws. Had his right hon. and learned Friend thought fit to bring into effect such a principle as was proposed in his Bill, he should have moved it as an Amendment to Clause 24 of the Bill, to which he said it was supplemental; and it was no excuse for any hon. Member to say he was absent from the House when the Bill was in Committee. While that Bill was passing through the House not one of the Irish Members made the slightest suggestion with reference to an alteration of that clause. That great reform of the law relating to juries in Ireland, which was introduced by the Lord Chancellor of Ireland last year, passed through the House of Lords with the assent of the *Law Lords and of the other Lords*, and

it passed through the House of Commons also in a friendly spirit. That Bill was a great settlement, which ought not to be disturbed by such a measure as this. His right hon. and learned Friend had referred to the Bill which the Attorney General had introduced with regard to juries in England. He (the Attorney General for Ireland) was anxious that the same laws which governed England should govern Ireland; but the most advanced Irish Member would admit that peculiar circumstances might require different legislation for the two countries. Moreover, the Bill introduced by his hon. and learned Friend the Attorney General for Ireland had not yet passed into law. It had gone before a Select Committee, of which he (the Attorney General for Ireland) was a Member. The Committee were endeavouring day after day to make it a perfect Bill, and he was anxious that, whatever was proposed for England might be extended to Ireland; but his right hon. and learned Friend must not suppose that that Bill had yet received the sanction of the Select Committee. If, when that Bill came from the Select Committee it should be found to contain principles which might be advantageous to Ireland, let them be extended to that country. He (the Attorney General for Ireland) contended that no case was made out for an alteration of the law; indeed, in some respects, the English Bill was less liberal than the Irish Act, for the Bill now before the Select Committee proposed that the qualification of a juror in England should be much higher than it was in Ireland by law at this moment. His right hon. and learned Friend wished that a jury should be taken by Ballot; well, the Bill introduced by Lord O'Hagan provided that a jury list should be prepared in alphabetical order, that, he contended, answered equally well. The Irish jury law tended to strengthen the confidence of all classes of the community in the juries selected; but he maintained that the Bill of his right hon. and learned Friend in that respect would not create such confidence; while with regard to the cases of injustice referred to, and the reference of his right hon. and learned Friend to Judge Perrin, in which he (the Attorney General for Ireland) coincided, as condemning them, they belonged to a past time, and did not arise under the pre-

sent system. His right hon. and learned Friend had said much of challenging jurors, and so-called "packing" of juries; but his right hon. and learned Friend, who was second Serjeant-at-Law, and who was one of the Crown prosecutors in Ireland, had, if his statement was correct that agreeable duty to perform, for he was his (the Attorney General's) official deputy on the Munster Circuit, and he hoped his right hon. and learned Friend preached different doctrines when on circuit than he did in that House. But, of course, his right hon. and learned Friend had a right to say in that House what he liked for himself. He (the Attorney General for Ireland) believed that the Crown solicitors who had the management of such matters, had no desire but that of doing their duty irrespective of religion or politics; and the rules which governed them with reference to their dealing with jurors prevented them from taking exception to any juror on the ground of religion or politics. He hoped no person would think he was defending jury "packing." He objected to such a practice, and would never sanction it in any way. He knew that misrepresentations were frequently made to the people of Ireland of the course pursued by him in that House. Probably, the telegraphic wires would flash throughout Ireland with reference to his opposition to this Bill—"Dowse is at his old work again," meaning that he was taking a course opposed to the interests of the people of Ireland, but he was indifferent to such misrepresentations. His right hon. and learned Friend said that Members of the Government advocated principles very different from those which they had advocated before they obtained office. Well, on that matter, he might observe that his right hon. and learned Friend was more lively now than when he sat on the Ministerial bench; but he disliked such a *tu quoque* argument. He denied that he now advocated any principle which he would not advocate if he were out of office. As long as he was in office he would not be a party to any measure prejudicial to the rights or interests of his fellow-countrymen; for he was as anxious as anyone to see the same laws for Ireland as for England; but he did not agree with those Irish Members who were constantly standing in the front shouting out in indifferent

The Attorney General for Ireland

Latin—"Excelsior." The Bill of his right hon. and learned Friend sought to disturb the settlement of a great question, and had he known that there was a real desire to bring it on he would have put down an Amendment to it. That he had neglected to do so was for the reason he had given, but not because he was afraid to meet the question. He should now move that the Bill be read a second time upon that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months." — (*Mr. Attorney General for Ireland.*)

MR. BAGWELL said, there was a great difference between the nature of crime committed in England and the nature of crime committed in Ireland. In England, generally speaking, crime was committed for the sake of personal revenge or plunder; but the principal portion of the crimes committed in Ireland were agrarian, and the offenders received a large amount of public sympathy. It was, therefore, the duty of the Government to take care that the persons charged with agrarian crimes in Ireland should be tried in such a way that if they were found guilty, there might be a fair prospect of their being convicted, and that at the same time innocent persons should have the protection of the law with regard to life and property. The Act passed last year with regard to juries in Ireland had gone far to remove any theoretical objections to the criminal law in that country, and he concurred with the right hon. and learned Gentleman the Attorney General for Ireland in thinking that the right hon. and learned Baronet the Member for Clare, instead of introducing this measure, ought to have dealt with this question when that Act was under the consideration of the House. The right hon. and learned Gentleman the Attorney General for Ireland had referred to the placarding of hon. Members as opponents of the people of Ireland, because they took an unpopular side, although in fact they advocated a course which they thought was beneficial to that country. Well, he (Mr. Bagwell) had spoken all his life for the people of Ireland, and on this occasion he had no objection to be described as a satellite of the right hon. and learned Gentleman.

MR. SYNAN said, he did not think that anything the right hon. and learned Gentleman the Attorney General for Ireland had said in opposition to this Bill called for a reply. The objection of the right hon. and learned Gentleman that it was useless to read the Bill a second time, because there was no time to pass it through the subsequent stages, would apply equally to five-sixths of the Bills which were now among the Orders of the House ; and, further, if the present was not the time for settling this question, when would that time come? Had the right hon. and learned Gentleman adduced a particle of evidence to show that the right of challenging 20 persons might not be safely conceded alike to the prisoner and to the Crown? Was it right, as under the present system, that a power should be given to the Crown of challenging every man on the jury list, until a jury that could be relied on to convict the prisoner was found? In his (Mr. Synan's) opinion, it was not; and he maintained it was the duty of Parliament to devise some system which would not lead the Irish people to the suspicion that juries were packed in order to procure a conviction. The right hon. and learned Gentleman contended that there was no reason to complain of the way in which juries were empannelled. But there was evidence in the the Blue Books of the House to show that juries in Ireland had been packed. His right hon. and learned Friend objected to the use of the word "packed." But Chief Barons Pollock and Kelly in England, and Judge Perrin in Ireland, had used the word. The right hon. and learned Gentleman had failed to show that on principle this Bill was objectionable, and he (Mr. Synan) denied there was any inconsistency in it, or that it was a repeal of the Act of Lord O'Hagan. His right hon. and learned Friend who had moved the second reading (Sir Colman O'Loughlen) had said that sooner than have the system of packing juries continued he would prefer to leave the prisoner in the hands of the Judge. In that he could not agree with his right hon. and learned Friend. If he saw Judges in Ireland conduct themselves with that discretion which his right hon. and learned Friend no doubt presupposed—if he saw them treat subjects from the Bench in the manner and with the language which as Judges they

were bound to do, he might be reconciled to such a change. But bad as the present system was, he preferred that it should continue when he saw instances in which Judges brought their own passions, prejudices, and heat, to bear on the decision of questions. His right hon. and learned Friend was, moreover, willing to refer the Bill to a Select Committee, and therefore there ought to be no objection to read it a second time.

SIR FREDERICK W. HEYGATE remarked that the question must be considered with regard to the peculiar circumstances of Ireland, and that it should be borne in mind that the Crown, in exercising the right of challenge, did so under a full sense of responsibility, with full publicity, and with the knowledge that the Ministers of the Crown were liable to be called to account in the House of Commons. The judicial system in Ireland was surrounded with difficulties, for owing to political and religious differences the administration of justice there and in this country could not be looked at altogether in the same way, and he had often been struck by the great moral courage shown by Irish juries in finding verdicts, sometimes at the hazard of their lives. If, however, as proposed, Parliament was to take away from the Crown the power of setting aside jurymen, it must be prepared to consider how long the unanimous finding of a verdict could be enforced, for it appeared to him contrary to nature to expect that 12 men, taking such opposite views of things as was usual in Ireland, should find unanimous verdicts. At present, it was no uncommon occurrence in that country that a man should be put on his trial, the witnesses undergo a long cross-examination, the Judge sum up impartially, and yet no verdict be returned after all. The prisoner was then sent back, and often tried a second, and sometimes a third time. He had in such cases often asked himself what was the good of trying a man over and over again? On the one hand, it seemed a pity that a man who in the opinion of everybody was guilty should escape punishment; but on the other, even if innocent, he did not escape, for heavy bail was required which could rarely be obtained, and the man really underwent a long imprisonment, though he had never been convicted. The Jury Bill of Lord O'Hagan which had been

passed last year was, no doubt, in many respects an improvement; but there was one peculiarity in it to which his attention had been called by a sub-sheriff, and that was the provision for taking the names alphabetically. In some parts of the country there was a great number of Celtic names which began with the letters M and O, and the religion and politics of the people went all the same way. If one of the co-religionists of these men was put on his trial, and he happened to get into this series of names, he might have a great chance of acquittal, but, on the other hand, if he got into the Protestant series his chance might be very little. He would only add, that if the law on the subject was to be changed at all, it ought to be changed on the responsibility of Her Majesty's Government, and not on that of a private Member; and when Government were of opinion that this power of challenge—which he disliked extremely—could be got rid of, he would be the first to vote for it. Remembering, however, the peculiar circumstances of Ireland, he should in this instance feel obliged to support the Amendment.

MR. PIM, in support of the Bill, said, that the object of the Bill was to secure a fair jury impartially chosen, and what was wanted was not only a jury which should be fairly and impartially chosen, but which would be recognized as such by the people of Ireland, so that no Irishman could say that anything unfair had been done. There was no doubt that persons whose guilt was as clear as noonday had at times been acquitted in Ireland, and that took place under the present system. But if justice could not be administered, and the law enforced by means of juries impartially chosen, it would be better that even guilty persons should escape conviction rather than that the constitutional form of justice should be strained in order to insure a conviction. If the jury system would not work when impartially administered, some other means of enforcing the law must be resorted to. It was better, when occasion required it, and the necessity was shown, to set aside the Constitution for a time, rather than to strain it habitually. He regretted to say that the administration of justice had long been regarded in Ireland as a contest carried on between two parties, or as a hostile proceeding, and therefore it was of the

greatest importance that everything that was done should have the moral advantage of being above suspicion.

MR. MITCHELL HENRY said, it had often been stated that there was a rooted belief in the minds of the people of Ireland that justice was not impartially administered. Whether that belief was well or ill-founded—whatever could be done to remove it would be for the benefit of the Empire at large, and it was therefore the duty of the Government to introduce some reform in the administration of justice in its initiatory forms. This Bill did not propose to deprive the Crown of the right of challenge, but only to place both sides on an equality, to allow the Crown 20 challenges, or whatever number might be considered right, and the prisoner as many. When it was remembered that for the future jurors were to be taken from the lists in alphabetical order, an equal power of challenge might be conceded to the prisoner without the smallest fear that the object of the prosecution would be frustrated. The object of a prosecution should be not to obtain a conviction, but to ensure that an innocent man should not be unjustly convicted, and that in all cases in which verdicts of guilty were brought home to the accused, those verdicts should carry with them the weight of public opinion. If a failure of justice sometimes occurred, the Judges were not always free from blame, and there was an impression that in some instances they acted too much like partizans. He therefore trusted the House would read the Bill a second time.

MR. BRUEN said, he thought the Bill ought to be considered quite apart from all party considerations, and having done so, he had come to the conclusion that he ought to support the Amendment of the right hon. and learned Gentleman the Attorney General for Ireland, because there was no proof that the present law had worked injustice in Ireland.

MR. M'MAHON said, he hoped the right hon. and learned Gentleman the Attorney General for Ireland would allow the Bill to be read a second time and referred to the same Select Committee which was considering the English measure, for there could be no doubt that considerable distrust was felt in Ireland in the administration of the criminal law, owing to the present jury system.

Sir Frederick W. Heygate

The failure to secure convictions was sometimes attributed to the juries; but that was both incorrect and unjust, for Sir Joseph Napier stated before the Select Committee of 1855 that the real cause of the failure was often the slovenly, slobbering manner in which cases were presented by the Crown Prosecutor. He moreover knew of no circumstances which should justify one law on this subject in Ireland and another in England.

MR. SERJEANT SHERLOCK said, the principle of the Bill was admitted by the Law Officers of the Crown in England, and the House ought to require some ingenious arguments and strong facts for refusing to apply the same system to Ireland. In case of a strong feeling against the Crown in a particular district, the Attorney General had power to change the *venue*, and that rendered it all the less necessary to preserve the present right of challenge by the Crown.

MR. MAGUIRE said, that in the South of Ireland great dissatisfaction existed with the present state of things, and it was felt that there was nothing more necessary than a reform of the law, for loyal Catholics there had been over and over again offended by the arbitrary order to "stand aside" as jurors. He had himself known instances in which the jury panel was manipulated in the most scandalous manner, and afterwards Catholics left on it were challenged by the Crown, and their feelings grossly insulted by this outrage. As to the Irish Judges he had a longer experience of Ireland than his hon. Friend (Mr. Mitchell Henry), and believed that, as a rule, the Irish Judges laid aside the advocate the moment they assumed the ermine. Men previously known as eager advocates, and in this House as keen partizans, became on the Bench fair and impartial in the administration of justice. He might mention the name of Chief Justice Whiteside, who was a keen partizan here, but whom he had seen conducting himself on the Bench with great dignity, moderation, and impartiality. He could say the same of many others. ["No, no!"] He maintained that the Irish Judges, as a rule, conducted themselves with as much decorum, gravity, and dignity, and with as great a desire to administer the law impartially, as the Judges in England. But, unhappily, there were exceptions, or, he might

say, there was an exception, which proved the rule, though the rule made that exception more scandalous. He hoped the House would take away from the Crown the fatal and flagrant power exercised by subordinates of removing jurymen from the panel, and of making a most offensive distinction between one class of religionists and another, for it would be infinitely better that at every Assizes the Crown should fail to secure a conviction, than that the impression should go abroad that convictions were brought about by this right of challenge, or rather the abuse of this right of challenge.

MR. MITCHELL HENRY, in explanation, said, he had not cast imputations on the great body of the Irish Judges; but he had referred to the belief entertained in Ireland that there were Judges who forgot that they ceased to be advocates when they went upon the Bench. He could refer to trials in which juries had acquitted prisoners in consequence of the vehemence of the charges of the Judges.

SIR COLMAN O'LOGHLEN, in reply, said, he should be quite willing to refer the Bill to a Select Committee, or else defer further progress with the Bill until the English Jury Bill was reported.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 28; Noes 165: Majority 137.

Words added.

Main Question, as amended, put, and agreed to.

Bill put off for three months.

WILD FOWL PROTECTION BILL.—[Bill 46.]

(Mr. Andrew Johnston, Colonel Tomline, Mr. Brown.)

SECOND READING.

Order for Second Reading read.

MR. A. JOHNSTON said, that this measure was founded on the Sea Birds Act, which Parliament had passed in a former Session, and which had for its object the protection of that peculiar class of wild fowl during the breeding season. Like that, the object of the present measure was to protect certain remaining kinds of wild birds who resorted to this country to breed, and which were rapidly becoming extinct,

owing to the inordinate and exterminating persecution to which they were subjected. Not only that, but he also thought that with the increase of feathered visitors which must inevitably arise under the Bill, when they found that persecution no longer awaited them, would be found, along perhaps with some new, the once familiar forms and agreeable songs of some which were now only retained in books or memory as having been once familiar to us. Salesmen and people generally in connection with the provision markets of the country were strongly in favour of the principle of the Bill, from a conviction that its enactments were calculated to improve the food supply of the country. He would also point out that these birds were carefully protected in the United States of America not by any general law of the land, but by individual laws in the States themselves, showing that in each of the States of a very democratically governed country, it had been found desirable and necessary to protect these birds during the breeding season. The same rules prevailed in Holland, and, indeed, he believed in most of the civilized countries of the world. His hon. Friend (Mr. A. Herbert), who had placed an Amendment on the Paper, might be quite right in his views; but they were of far too extensive a character to be grafted on to this measure, which was intended to be a practical one, designed to protect a special group of birds. He moved the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Andrew Johnston.*)

Mr. D. DALRYMPLE said, he should support the Bill, for in his opinion nothing showed a more depraved taste in the way of eating than the desire to eat snipe and wild fowl in the month of April, when they were little more than rancid oil bags, and no more fit for food than venison in the rutting season. Owing to the persecution to which these birds were subjected during the breeding season, the curlew, which was not bad food at table, was scarcely to be found in this country, and what was known as the Norfolk plover had nearly disappeared. The passing of a measure like that under consideration, therefore, would remedy that, and would tend to improve the quality of the food that they

Mr. A. Johnston

ate, and to increase the quantity. However, he was not prepared to go so far as the hon. Member for Nottingham (Mr. A. Herbert), in whose name an Amendment stood on the Paper.

Mr. BERESFORD HOPE said, he was of opinion that the Bill as it stood was a very useful measure, one that he heartily approved of, and hoped its passing would not be imperilled by such a proposal as that of which the hon. Member for Nottingham had given Notice. He moreover regretted that the Bill did not include certain species of birds which, though not indigenous, might be propagated here—certain species of wild goose such as the Egyptian goose, and others, which might be used for the purposes of food and of ornament.

Mr. AUBERON HERBERT, in moving as an Amendment to the Motion for the second reading of the Bill—"That, in the opinion of this House, it is desirable to provide for the protection of all Wild Birds during the breeding season," said, that he did so in no spirit of hostility to the Bill, although he had no very great enthusiasm for it, for, in his opinion, it smelt too much of the larder. What he regretted, however, was, that instead of giving protection to certain groups of birds, the Bill did not in the first instance include all birds; and then, if it were deemed necessary, to make exceptions, for all those birds were most useful in their habits. There was scarcely a tree or plant which had not its enemies in certain insects or worms. For instance, the apple tree had five or six enemies that attacked it at different stages—those who attacked the bark, those who drew the sap, two who took the bloom, and two more enemies who took the heart of the fruit. He had no time to speak of the injury done by insects to cattle, but he might just touch upon the damage done to the forests of Europe by beetles. In 1783 millions of beetles destroyed a large number of firs in the Hartz Forest. Even in Kensington Gardens some of the finest elms were destroyed by this cause. Then, again, they all knew the ravages that the wire worm committed upon the wheat plant, and it was said that it left its grub behind it, which continued its destructive habits for about five years. There were not only many plants, but even animals which were infested by various descriptions of insects; but at the same

time, while there was this army of destruction there was also an army of protection in the shape of the small birds, which had been well called the police or the soldiery of nature. No doubt, these birds had many allies, such as the bat, the mole, the shrew, the hedgehog, and even the little glowworm, but the principal part of the work of destroying these hurtful insects was done by the birds. He asked the House to consider for a moment what a large proportion the migratory or foreign birds bore to those which were native inhabitants of our own country. He believed that there were more swallows or swifts in Great Britain than the whole number of native birds; but he did not ask the House to accept that as an authoritative statement, because it was a mere conjecture of his own. What brought the swallow over to our shores? Some said that it followed the sun, but that was a fable. The real reason that brought over the swallows was the immense quantity of insect life which was here awaiting them at a time when, during the breeding season, they could find none in their own country. The extent to which birds, he might add, fed on insect life was hardly credible. Mr. Ware, whose benevolent views with respect to animals were well known, took the trouble to get up in the middle of the night to count how many times some birds fed their young. He ascertained that the swallow fed its young 36 times within an hour; the redstart, using gooseberry flies, 23 times; and the chaffinch, which principally used green caterpillars for food, 35 times. But there were even more extraordinary instances than these. From careful and accurate observation the same gentleman found that the thrush commenced its daily operations at half-past two o'clock in the morning and worked on until half-past nine in the evening, and during that day of 19 hours it fed its young 206 times. In the case of blackbirds, whose working day lasted for 17 hours and 25 minutes, the young were fed 44 times a-day by the male parent and 59 times by the female parent, and the titmouse fed its young, solely on caterpillars, no less than 475 times in a day of 17 hours. No one, therefore, who knew anything of the habits of these small birds could doubt the valuable service they did to man. There was a large class of birds, such as the swallow,

the swift, the marten, the wagtail, the cuckoo, the wryneck, the goat-sucker, the white owl, the shrike, the stone chatterer, and the three warblers, which did nothing but good, though there were other birds with characters of more doubtful description, such as the sparrow, but no bird more frequently fell a victim to prejudice than the sparrow, which really did accomplish a vast amount of good. He had heard a very curious story told by a careful observer of a sparrow's operations, who saw a young sparrow fluttering in a rose bush and beating the bush with its wings. After it had beaten the cover as effectually as a gamekeeper could do, the bird dropped to the ground, where it picked up all the caterpillars which it had shaken from the bush. There was another sparrow story which was historical. Frederick the Great, who had a great liking for cherries, observed that sparrows had a fondness for them also, and he (Mr. Herbert) was obliged to admit that they were guilty of, at all events, that irregularity. The King, therefore, put a price upon sparrows' heads, but at the end of two years the consequences were so serious that he not only had to take off this sparrow tax, but he had to go to some expense to import sparrows into the country to supply the deficiency which had been created. The sparrow also did another good service, for in the farm-yard it picked up a great quantity of grain which had been voided, and which if allowed to go on to the land amongst the manure would prove exceedingly troublesome. Then there was the chaffinch, who was a great favourite with Mr. Waterton, who was of opinion that he did a great amount of good. In fact, the only bird which, so far as he knew, was not partly insectivorous, and which did not feed its young on grubs and insects, was the wood pigeon, and mischievous as that bird sometimes proved to be amongst the crops, there was something to be said in its favour, for there could be no doubt that it also destroyed a great quantity of weeds. Just now, a terrible destruction of small birds was going on, and the Baroness Burdett Coutts had recently stated in a letter that she could not even keep a nightingale safe about her, in consequence of the prevalence of netting; indeed, swallows were netted in the same way and placed in cages, in which not one-twentieth part of them could live.

A friend of his happened to be fishing the other day a little below Monkey Island, on the Thames, and he saw the bodies of several swallows and swifts which had been shot by someone, floating by him, an act of pure mischief and wantonness which could not be sufficiently reprobated. The formation of sparrow clubs, too, had led to great destruction; and he really did not think that those who formed such clubs could have a fair notion of what they were doing. Indeed, the act of shooting sparrows had been compared by one who knew the value of these small birds, to the act of shooting down our own soldiers at the moment of invasion by an enemy. Those who proposed the formation of sparrow clubs evidently belonged to that class of people who believed that the starling sucked eggs, that the blind worm bit cattle, that the newt spat fire, that the toad spat poison, that the owl hooted to tell a man that he would fall out of his topmost window and break his neck, that the cuckoo in the winter changed its claws and beak and became a hawk, that the hedgehog sucked cows, and a heap of other monstrosities. Those were the sort of men of whom one read during the Great French War, and who, when they saw trees barked by a particular description of beetle, believed that Napoleon had persuaded our sentinels to do it with their bayonets. The question then arose, should any exceptions be made to the preservation of these birds? He thought not, for a vast amount of good was done by even what were called destructive birds, such as the jackdaw, the jay, the magpie, and the crow, in consuming insects. He believed that both jays and crows had also this virtue—that they destroyed vipers. Certainly, the raven destroyed a large quantity of rats; and the magpie could not be regarded as very dangerous, when in Norway it was received in all the farmhouses and allowed to build its nests under the eaves. To game preservers he would mention the fact, that the late Mr. Waterton encouraged the presence of a large number of birds comprising as many as 119 different varieties, around his place; and his testimony was that nothing seemed to go wrong either in his orchard or in his garden, and that was corroborated by the testimony of Mr. Ellice. He, therefore, thought we ought to give a refuge

Mr. Auberon Herbert

to birds of every kind, and certainly to those curious ones which were now shot down on their first appearance in England, but which, with a little encouragement, would either breed with us or pay us future visits—he referred to such birds as the golden thrush, the spotted woodpecker, the spoonbill, and others—for by doing so we should endow our parks and the face of the country generally with a greater charm of interest and variety. Moreover, if hawks and other birds of prey did harm, they also did good in the way of purifying the breed of such birds as they attacked; and disease among such birds would have been prevented from spreading if the birds of prey had not been shot down, for just as the titmouse broke off and destroyed those buds which had already been seized upon by insects, so the hawk destroyed those birds which showed the first signs of disease. There was only one other ground upon which he wished to rest this Amendment, and that was the ground of compassion towards those creatures which were so entirely in our power; for the craft of man had increased in a much greater proportion than their resources of defence, and it would be a good thing for us, and have a good effect upon our national character, if we were willing to give up just one little bit of the power we possessed over the life and freedom of this part of surrounding creation. Where anything lay absolutely in our power it was a bad thing for us not to restrict ourselves in the use of that power. No one could have observed birds in the breeding season without noticing the entire devotion which they had for their young, and the courage which that attachment gave them in the face of all enemies—even in the face of man himself. He principally rested his case, therefore, on the ground of right feeling and compassion towards those who, though they had no power of agitating in their own behalf, yet did us good service, and possessed many of the qualities the presence of which we so much respected in men and women. The hon. Gentleman concluded by moving the Amendment of which he had given Notice.

Mr. MUNDELLA, in rising to second the Amendment, said, he could not help expressing his sympathy with the able and interesting speech of the hon. Mem-

ber for Nottingham (Mr. Auberon Herbert)—a speech which he thought would do a great deal of good, and would excite more attention to this subject throughout the country. He would draw attention to the fact that in America they had imported English sparrows to destroy the insects which had consumed the leaves of trees in the Parks. In France, where they killed every small bird, everybody must have been struck with the *triste* and melancholy aspect of the country in early morning. It was really time to have regard for these small birds, and he hoped that the speech of the hon. Member for Nottingham would not be thrown away.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it is desirable to provide for the protection of all Wild Birds during the breeding season,"—(Mr. Auberon Herbert,)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. WHEELHOUSE said, he concurred in much that had fallen from the hon. Member for Nottingham (Mr. Auberon Herbert), but he desired to know the meaning of the proviso to the 2nd clause, stating that the clause should not apply where the wild fowl was a young bird unable to fly. In his opinion, it was infinitely more humane to take care of a bird of that kind, than of any other kind of bird. The 5th clause enacted that one moiety of every penalty under the Act should go to the person informing and prosecuting for the same, but, in his opinion, such a provision was calculated to raise an apprehension that informers would endeavour to make a profit by bringing charges which had no foundation in fact.

MR. BROWN said, he was afraid that the Amendment of the hon. Member for Nottingham (Mr. Auberon Herbert), if carried, would have the effect of defeating the Bill, and therefore he trusted the hon. Member would withdraw it, and propose Amendments in Committee for the purpose of carrying out the object in view, in which to a certain extent he concurred.

MR. DILLWYN said, he thought a case had been made out for the Bill, and as the success of the Amendment of

the hon. Member for Nottingham (Mr. Auberon Herbert) would endanger the passing of the measure, he hoped it would be withdrawn. He thought the farmer and the gardener had reason to bless these small birds, for the benefit derived from them was infinitely greater than any damage they did.

MR. BRUCE said, the Government would be able to support the Bill, which proposed to preserve birds which did injury to no one, but the scope of the Amendment was wider than they could accept. It was true that there were many valuable birds which were not included in the Bill; but the Amendment would only have the effect of saving birds which caused a great deal of harm, by preventing the farmer from killing jays and other destructive birds. If there were any legislation with respect to the class of birds alluded to by the hon. Member for Nottingham (Mr. Auberon Herbert), such legislation should be carefully considered and carried out not by Amendment on the present Bill, but by a separate enactment.

MR. AUBERON HERBERT said, he would withdraw his Amendment at present, and bring forward the subject again at another stage of the Bill.

MR. HENLEY said, that it was quite as well that the Amendment was not going to be pressed, for he feared that they were entering on a course of fines and consequent imprisonment, of which it was not easy to see the end. The Bill, as originally proposed, dealt, among other birds, with plovers. The next step would, of course, be to fine anybody who ate plovers' eggs; for, with the view of preserving the birds, it would be absurd to fine persons for shooting plovers, and not fine them for taking and eating the eggs. All these things grew out of one another, and it would not be a pleasant thing to see boys fined or imprisoned for bird-nesting. He confessed that he thought they were entering upon somewhat disagreeable, if not dangerous, legislation. There was an old saying—"De minimis non curat lex," and he apprehended that legislation on such small matters would produce more trouble than good.

Amendment, by leave, *withdrawn*.

Main Question put, and *agreed to*.

Bill read a second time, and *committed for Tuesday next*.

MUNICIPAL CORPORATIONS (IRELAND)
LAW AMENDMENT BILL—[BILL 79.]
(*Mr. Sherlock, Mr. William Johnston, Mr. M'Clure.*)

SECOND READING.

Order for Second Reading read.

MR. SERJEANT SHERLOCK, in moving that the Bill be now read the second time, said, that its object was to assimilate the franchise in Ireland for municipal purposes to that which now applied to Parliamentary purposes. In most of the corporate boroughs in Ireland the qualification for a burgess was higher than that required to vote for a Member of that House, and he sought to remove that anomaly. The City of Dublin had petitioned against the Bill, but he thought the House would consider that exemptions should be avoided. The hon. and learned Member for Limerick (Mr. Butt) had brought in a Bill for assimilating the law of Ireland to that of England in respect to municipal elections. That Bill stood for Committee on the 10th of July, and it had been suggested that this Bill, if read a second time, should be committed on the same day, so that they might be taken together.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Serjeant Sherlock.*)

MR. BUTT said, he thought it probable that many hon. Members would be surprised to know that in Ireland, which was the poorer country, the qualification for a burgess was higher than in England. By the Municipal Act it was provided that in England the qualification should be given for any amount of rates and continuous occupation for three years. In Ireland the qualification, however, was fixed at occupation for one year of a house and £10 a-year, with some deductions for insurance and repairs, making the qualification practically £8 or £9 a-year. The City of Dublin had, however, under a special Act of Parliament, adopted the English franchise in 1849; but in 1869 a change was made in the English franchise, reducing the qualification to continuous occupation for one year. In Dublin, however, three years' occupation was still necessary; and in all other corporate places the qualification was the

high one he had described. The Bill he had introduced was intended to amend that state of things. The Bill now before the House would introduce a totally new principle into the Irish municipalities, and allow lodgers, freemen, and non-resident persons with the property qualification to vote for members of municipal corporations. Although all the corporations of Ireland disapproved of it; yet he would not seek to prevent the Bill going into Committee; but he thought the simpler and better course to have taken would have been to endeavour to pass a law to assimilate the qualification in Ireland to that of England.

MR. PIM said, he hoped the Bill would be withdrawn, for the Corporation of Dublin did not wish to have their Act disturbed, as it must be if the Bill passed.

MR. VANCE said, he objected to the principle of both the Bills which had been mentioned, and would point out that in Dublin, where the English franchise prevailed, the discussion of politics was carried to such an extent by the members of the corporation, that one of the aldermen had given notice of his intention to draw the attention of the council to a recent decision of a learned Judge.

MR. M'MAHON said, he trusted the Bill would be considered in Committee with the Bill of the hon. and learned Member for Limerick (Mr. Butt), and would remark that they could not prevent by law the introduction of politics into municipal discussions.

MR. SYNAN objected to the proposal of equalizing the qualification for municipal purposes with the Parliamentary qualification as contained in this Bill.

THE ATTORNEY GENERAL FOR IRELAND (Mr. Dowse) said, he could not assent to the second reading of the Bill merely to place it alongside the Bill of the hon. and learned Member for Limerick (Mr. Butt) in Committee, because he thought it might embarrass the consideration of the question; and he was of opinion that it contained no proposition which was not capable of being introduced by way of Amendment into the Bill which had already been read a second time. He hoped, therefore, that the hon. and learned Serjeant would withdraw the Bill. He did not

think an extension of the municipal franchise in Ireland should be made in that direction; although he admitted that the franchise was at present indefensible. On one occasion a man said to him—"I do not know, Sir, why I am fit to vote for you as a Member of Parliament, and yet am not fit to vote for a greengrocer as Town Councillor." He could not conceive any reason for that state of affairs, and thought the municipal franchise of Ireland ought to be assimilated to that of England. A defect of the Bill was, as had been stated, that it would allow non-resident persons, lodgers, and freemen, to vote at municipal elections, and therefore he thought it should not be pressed.

MR. SERJEANT SHERLOCK said, that in consequence of the suggestion and argument of his right hon. and learned Friend, he would beg leave to withdraw the Bill.

Motion, by leave, *withdrawn*.

Bill *withdrawn*.

AGRICULTURAL CHILDREN BILL.

(*Mr. Clare Read, Mr. Pell, Mr. Akroyd, Mr. Kay-Shuttleworth, Mr. Kennaway.*)

[BILL 104.] SECOND READING.

Order for Second Reading read.

MR. C. S. READ, in moving that the Bill be now read a second time, said, that early in the Session he asked the right hon. Gentleman the Vice President of the Council whether a code of by-laws he had brought up for a country school would be accepted by the Education Department, and the right hon. Gentleman replied that he (the hon. Member) was the best person he knew to draw up such a code. He had, therefore, taken the responsibility of trying to frame by-laws applicable to all children employed in agriculture. If they were to have a school board in every parish the compulsory powers bestowed upon them by the Act of 1870 would be difficult to apply; and he was sure the country was not prepared to have direct compulsion from Whitehall. This Bill, therefore, was introduced now because in future there was to be a school within the reach of every child, and it was necessary to have the power of filling those schools and keeping the children there a certain length of time; and not only that, but that without an enactment of

this kind children in agricultural districts would be taken from school on trivial pretexts as soon as they were old enough to be of any use. The principle of the Bill was simply an extension of the Factory Acts in a mitigated form to agricultural districts, and the reason for that was, because as in such districts it was impracticable to adopt the system of alternate half days or weeks for school, it was therefore provided that a certain number of attendances at school in the preceding year should be necessary before children between the ages of eight and twelve were employed in agriculture. He should, no doubt, be told that a child of eight was too young to be so employed, and he admitted that as a rule they were not wanted before they were ten years old; but it was difficult to debar them entirely from being employed before they reached that age. That was not a Bill for the protection of health, like the Factory Acts, and there was a great difference between employing children in the open air and confining them in a dusty and hot factory. The Factory Acts fixed the age at eight, and therefore if any further limit was adopted in this Bill children of that age in agricultural districts adjoining manufacturing districts would be sent to the factory as a matter of course. And, further, it would be extremely hard to prohibit a labourer with seven or eight children under ten years of age from having one of them to assist him in providing for the sustenance of the family. It would, however, be required that children of eight must have attended school 250 times in the previous 12 months; and that children between 10 and 12 must prove 150 attendances. The Bill had been favourably received and commented upon by the newspapers. *The Pall Mall Gazette* said it was a mild Bill, and that it was imperfect; and he considered that very favourable criticism of a measure introduced by an agricultural Member. The farmers generally approved of the Bill, and the Central Chamber of Agriculture had passed a unanimous resolution in its support. A suspensory power during the busy seasons of the agricultural year was given to the magistrates in petty sessions to be exercised on the application of occupiers of 500 acres of land. It would also be necessary for the parent to get a cer-

tificate of the attendances of his child from the schoolmaster, who would give it free of cost; and the employer would be required to see that certificate before he employed the child. To meet the possible objection that the Act would be a dead letter, because there would be no Inspectors, he would observe that, in the first instance, school managers would be practically Inspectors, and public opinion would support the working of the Bill. If, in the future, we had a public prosecutor school Inspectors would not be so much needed. One of the clauses, however, altered the Agricultural Gangs Act by raising the age at which the child might be employed in those gangs from eight to ten years. He was glad to say that there was no serious opposition to the Bill, which was the result of an earnest and honest attempt to secure the education of every child employed in agriculture, without depriving the parent of the right and, he might say, the necessity of adding the child's earnings to his own scanty wages, or needlessly interfering with the reasonable employment of juvenile labourers in the rural districts of the kingdom. In conclusion, the hon. Member moved the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Clare Read.*)

MR. AKROYD said, he rejoiced at the movement which was springing up in the agricultural class in favour of education. Having looked through the Bill he marvelled at the skill and care with which the Factory Acts had been adapted to the agricultural population, and thought the hon. Gentleman the author of the Bill entitled to great credit, though some Amendments in the Bill he thought might be necessary. It would be a special advantage to the Bill that it would enlist the employers of labour in the interests of those employed; and in addition it did not throw the onus of attendance at school wholly upon the parents, because part of the responsibility would be placed upon the employer.

MR. W. E. FORSTER said, he was most anxious that the hon. Member should have the opportunity of taking the second reading of his Bill that day, and, therefore, he would not enter upon its

details, for which there was not now time. He hoped, however, there would be a full discussion at the next stage. The Government not only did not oppose the Bill, but were obliged to the hon. Gentleman for having taken up this difficult question. At the same time he did not consider that by the general acceptance of the principle they were precluded from considering—he should say favourably considering—the question of direct compulsion. They had found it necessary, under the Factory Acts to supplement indirect compulsion with direct compulsion; but, no doubt, direct compulsion would be very much facilitated by indirect compulsion. There were two or three points on which he might have to express some difference of opinion with the promoters of the Bill. He doubted whether the age ought to be limited to 12, and in regard to Clause 6 it appeared to him that the attendances required were too few in number, and it might be necessary to make them more consecutive to obtain greater regularity. But those were questions of detail, and the Government would be most glad to hear the arguments upon them of the hon. Gentleman who had charge of the Bill.

MR. HENLEY said, that, although allusion had been made to the principles of the Factory Acts, the Bill had no reference whatever to them, those Acts having been introduced solely on the ground of the "young persons'" health; whereas no one would pretend that field work was unhealthy for children. At the same time, he did not think that the Bill made any adequate provision for the education of children employed in agriculture. It merely enacted that so many attendances should be given at school—250 for a child from 8 to 10, and 150 from 10 to 12, in respect of which the child might be employed without any further attendance at school for at least 18 months.

MR. FAWCETT said, he hoped it would be distinctly understood that if the second reading were now taken, there would be an opportunity of fully discussing it on going into Committee. He took great interest in the subject, to which he had devoted much attention, and he now gave Notice that on going into Committee he should move Resolutions which would give the House an opportunity of discussing the main principles of the Bill.

Mr. C. S. Road

MR. PELL said, he hoped some arrangement would be made to secure a full and complete discussion of the Bill.

COLONEL BARTTELOT said, he should be glad of an opportunity for full discussion of the measure, for he wished it to receive very careful consideration, and be much amended in Committee.

Motion agreed to.

Bill read a second time, and committed for Friday.

MINE DUES BILL—[BILL 177.]

(*Mr. Lopes, Mr. Gregory.*)

SECOND READING.

Order for Second Reading read.

MR. LOPES, in moving that the Bill be now read a second time, said, that its object was simply to remove anomalies in reference to rating this kind of property.

Motion made, and Question proposed, "That the Bill be now read a second time.—(*Mr. Lopes.*)

MR. ST. AUBYN said, he agreed with the principle of the Bill, though he thought that some Amendments would be necessary. One matter, however, which would require consideration was that the Bill would interfere with existing leases.

LORD G. CAVENDISH said, on the contrary, he thought that the Bill contained a new principle, and he doubted the propriety of reading it a second time without further discussion. He also thought that the Government should express their opinion upon the matter, and possibly the subject had better be dealt with when the general question of local taxation was considered.

MR. BRUCE said, that, at that hour, there was no time then to discuss the Bill; but he would at once say he had no objection to the second reading.

And it being a quarter of an hour before Six of the clock, the debate stood adjourned till To-morrow.

House adjourned at five minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, 13th June, 1872.

MINUTES.]—*Sat First in Parliament*—The Duke of Bedford, after the death of his uncle; The Earl of Aberdeen, after the death of his brother.

PUBLIC BILLS—*First Reading*—Bank of England (Election of Directors)* (144); Tramways Provisional Orders Confirmation (Nos. 3 and 4)* (145, 146); Tramways (Ireland) Provisional Order Confirmation* (147); Elementary Education (Provisional Order Confirmation)* (148); Trusts of Benefices and Churches* (151).

Second Reading—Baptismal Fees (128); Charitable Trustees Incorporation* (127).

Committee—Epping Forest* (132-150); Gas and Water Orders Confirmation (No. 2)* (122).

Third Reading—Intoxicating Liquor (Licensing) (131); Statute Law Revision* (107); Metropolitan Commons Supplemental* (115); Public Health (Scotland) Supplemental* (121); Cattle Disease (Ireland) Acts Amendment* (125); Charitable Loan Societies (Ireland)* (124), and passed.

EXTRADITION (GERMANY).

COMMUNIST PRISONERS (FRANCE).

PAPERS PRESENTED BY COMMAND.

EARL GRANVILLE: My Lords, I rise for the purpose of laying on the Table of your Lordships' House two sets of Papers. One consists of a Treaty between Her Majesty and the Emperor of Germany for the mutual surrender of fugitive Criminals. It was signed in London on the 14th of May. The other consists of Papers which are of a somewhat painful character. They are the Correspondence between Her Majesty's Government and the Government of the French Republic, on the subject of the disembarkation in England of Communist prisoners. I promised my noble Friend the Marquess of Clanricarde, who is not now present, that in presenting the Papers on the subject I would make a statement in reference to the subject. That statement would have involved a recapitulation of facts which have excited an anxious feeling in this country—and this feeling was one of the reasons which induced Her Majesty's Government to make representations to that of France on the subject. A correspondence ensued which has closed with a despatch from M. de Rémusat, the French Minister for Foreign Affairs, which will prevent the necessity of my going into any details. If my noble Friend Earl Stan-

hope, who referred to the subject on a former evening, had been present, he would have been ready to vouch for the high character which M. de Rémusat had always held in this country both as a politician and literary man, and the assurance he now gave was only in conformity with his general language towards this country since he had held the seals of the Foreign Department. This is a *précis* of the communication from the French Minister—

“ M. de Rémusat acknowledges the receipt of Lord Lyons’ note, stating that Her Majesty’s Government could not consent to the deportation to England of the class of persons in question, whether they are provided or not with the means of subsistence, and gives the assurance that the French Government would not deviate from the precautions which they had taken since their attention was first called to the subject. He adds that the persons thus restored to liberty on the sole condition that they shall not reside in France shall not be subject to any measure tending to inflict their presence on a friendly country—a measure susceptible of being assimilated to transportation ; and M. de Rémusat expresses regret if any misunderstanding on the subject has arisen, as the French Government are determined to abstain from all such interference as might induce French exiles to elect Great Britain as their place of abode.”

My Lords, I think this is a happy termination of that difficulty, and that I need say no more on the subject in presenting this Paper

Correspondence respecting the embarkation of communist prisoners from French Ports to England : And

Treaty between Her Majesty and the Emperor of Germany for the mutual surrender of fugitive criminals; signed at London 14th May 1872 :

Presented (by command), and ordered to lie on the Table.

BAPTISMAL FEES BILL.—(No. 128.)
(*The Lord Bishop of Winchester.*)

SECOND READING.

Order of the Day for the Second Reading, read.

THE BISHOP OF WINCHESTER, in moving that the Bill be now read the second time, said, that by the ancient law of the Church it was absolutely illegal to demand any fee for the celebration of any sacrament of the Church, because it was said they ought to be administered freely. In more modern times, however, fees had in some in-

stances been demanded for administering the sacrament of baptism, and in other cases for registering it. A consequence was that a large number of children remained unbaptized, because their parents were too poor to pay the demands which were made upon them. Now, these things ought not to be, and this Bill proposed to declare these fees unlawful. The Bill recited that whereas doubts have been entertained whether in certain churches and chapels of the Church of England, under the authority administration of the sacrament of baptism, or for the due registration thereof, and it is desirable to put an end to such doubts ; and it declares that henceforth it shall be unlawful for any minister, clerk in Orders, parish clerk, or any other person to demand any fee for the of certain local Acts of Parliament, certain fees may not be demanded for the administration of the sacrament of baptism, or for the registry thereof. He understood that there would be an objection to taking away any vested interest, even in such a matter as this ; and that in some cases the incumbents of parishes had been endowed by statute with the fees now proposed to be abolished ; and therefore, if it should be found expedient, he would add in Committee that this Act should not apply to prevent from taking fees the holder of any office who might at present be entitled to demand them.

Moved, “ That the Bill be now read 2^d.”
—(*The Lord Bishop of Winchester.*)

THE BISHOP OF LONDON said, that in Archbishop Tenison’s time there was the practice of charging fees for registration in the parish of St. Martin-in-the-Fields, and from thence the custom passed to other adjacent parishes, in one case at least, by virtue of an Act of Parliament. In the present day, however, such fee was never demanded from any poor person. Besides the incumbents, who were not anxious to maintain these fees, there were parish clerks who had vested interests, and it would be a great inconvenience that they should be deprived of them. He, therefore, trusted that if their Lordships accepted the Bill, they would adopt a proviso to protect these interests.

Motion agreed to : Bill read 2^d accordingly, and committed to a Committee of the Whole House on Tuesday next.

Earl Granville

INTOXICATING LIQUORS LICENSING

BILL—(Nos. 78, 106, 131.)

(The Earl of Kimberley.)

THIRD READING. BILL PASSED.

Bill read 3^a (according to Order).

THE EARL OF KIMBERLEY moved the following new Clause to follow Clause 45 :—

"Where the justices refuse to renew a license, and an appeal against such refusal is duly made, and such license expires before the appeal is determined, the Commissioners of Inland Revenue may, by order, permit the person whose license is refused to carry on his business during the pendency of the appeal upon such conditions as they think just; and, subject to such conditions, any person so permitted may, during the continuance of such order, carry on his business in the same manner as if the renewal of the license had not been refused.

"Where a license is forfeited on or in pursuance of a conviction for an offence, and an appeal is duly made against such conviction, the Court by whom the conviction was made may, by order, grant a temporary license to be in force during the pendency of the appeal upon such conditions as they think just."

Motion agreed to; Clause inserted.

THE EARL OF KIMBERLEY moved to insert as a separate paragraph at end of Clause 48—

"In a county the justices in quarter sessions assembled, and in a borough the borough justices, shall make rules in pursuance of which any person other than the owner interested in any licensed premises as mortgagee or otherwise shall be entitled on payment of such sum as may be specified in such rules to receive from the clerk to the licensing justices a similar notice to that which an owner of such premises is entitled to receive under this Act."

THE DUKE OF RICHMOND said, that before the Bill passed he wished to express his own feeling, and that of his noble Friends who acted with him, that their Lordships were much indebted to the noble Earl who had charge of the measure for the candid manner in which he had dealt with the House while the Bill was under discussion. There had been some points on which considerable difference of opinion existed; but the exceedingly pleasant manner in which the noble Earl had discussed these points had been the means of smoothing down difficulties. He thought it only due to the noble Earl that he should give public expression to his sense of the courteous way in which the Bill had been carried through that House.

THE EARL OF KIMBERLEY said, he felt very much the kindness of the noble

VOL. CCXI. [THIRD SERIES.]

Duke and other noble Lords on the Opposition side. On the other hand, he must say that he and his Colleagues felt that if it had not been for the forbearance of the Opposition, they never could have carried the Bill through their Lordships' House.

Bill passed; and sent to the Commons.

BANK OF ENGLAND (ELECTION OF DIRECTORS) BILL [H.L.]

A Bill to amend the Law relating to the Election of Directors of the Bank of England—Was presented by The Lord REDSDALE; read 1^a. (No. 144.)

TRUSTS OF BENEFICES AND CHURCHES BILL [H.L.]

A Bill to facilitate the creation of Trusts of the Patronage of Benefices and Churches—Was presented by The Lord Bishop of CARLISLE, read 1^a. (No. 151.)

House adjourned at a quarter before Six o'clock, 'till To-morrow, a quarter before Five o'clock.

HOUSE OF COMMONS,

Thursday, 13th June, 1872.

MINUTES.]—SELECT COMMITTEE—Report—Habitual Drunkards [No. 242].

SUPPLY—Postponed Resolutions 10-32 [reported 11th June] considered, and agreed to.

PUBLIC BILLS—Second Reading—Railways Provisional Certificate Confirmation * [102]; Board of Trade Inquiries * [103]; Railway Rolling Stock (Distrain) * [116]; Custody of Infants [93]. [House counted out].

Committee—Education (Scotland) [31]—n.p.

Committee—Report—Considered as amended—Court of Chancery (Funds) (re-comm.) [140].

Report—Oyster and Mussel Fisheries Supplemental (No. 2) * [172].

Withdrawn—Bank Notes * [117].

PARLIAMENT—PRIVATE LEGISLATION.

RESOLUTION.

MR. F. S. POWELL, who had placed a Notice on the Paper to move the following Resolutions :—

"1. That the range of Local Legislation affecting Towns and other Places ought to be contracted. 2. That the existing system of passing Local Bills on the same subjects as Public General Acts is inconvenient, works injustice between different Towns, and leads to unnecessary complication in the Laws affecting Local Government. 3. That no such Bills shall be introduced or passed unless upon proof (to the satisfaction of the Minister within whose department the subject-matter lies) that the circumstances are excep-

tional and are not provided for under the Public General Statutes."

said, he ventured to lay down the general principle that those who desired to live outside of the general statutes of the realm ought to make out a strong case before being permitted to have private or special legislation. A system, however, had grown up, by virtue of which communities came to Parliament, and, almost as a matter of right and of routine, exempted themselves from the operation of the public general statutes, and constructed local Acts to meet their own wishes and fancies. The number of local Acts in the case of our great towns was in some instances not less than 50 or 60. These statutes were often inconsistent with each other, and difficult of interpretation. He had, indeed, been informed by eminent Parliamentary counsel employed in a local Bill relating to water-works, that counsel on both sides abandoned all hope of interpreting the Acts taken together; and that it was only by dealing with each Act alone, and throwing out of view all other Acts by mutual consent, that any reasonable progress could be made in the discussion. This circumstance was an incidental illustration of the inconvenience arising from the vicious system which he desired to abolish. He admitted that there were cases in which communities must necessarily regulate their affairs in certain particulars by exceptional legislation; but he believed, after having passed much time in the examination of local Acts, that the number of such communities was greatly exaggerated. On the contrary, he found, on comparison of local Acts, that whole groups of sections were either the same or differed only by the variations of language which must result when two men were engaged independently of each other in expressing the same idea. He found manufacturing towns, having the same industry, the residence of populations in every particular similar, and having similar local circumstances, did nevertheless apply with success for their own local Acts. These local Acts, he would observe, often excluded in express terms the public general Acts, and placed the towns wholly under this private and exceptional legislation. He admitted there would still remain communities which had a claim to some special enactments; but he believed that most of their wants would be

Mr. F. S. Powell

met by amendments in the general laws. Surely a corporate town ought to have power to construct markets and town halls without a special law giving the necessary powers. But this system worked injustice. In public general statutes the Bill was introduced, debated, and passed without cost. Private Acts were attended by costs at every stage, whether of promotion or opposition. Parliament, in fact, abandoning the principle that laws were made equally for all, sold these laws to those who were willing to pay the price. It worked injustice between different towns, because the local Acts gave more extended and unequal periods for repayment of money borrowed, and thereby, by capricious action, diminished the pressure of rates in one town while relatively increasing it in another. The same industry experienced different treatment in different towns. In one town severe regulations against certain trades were enacted; in the next town the same trade was exempted even from the moderate restrictions of the public statutes. But there was still another evil—apart from the mere expense of opposition was the practical difficulty. New clauses were often introduced gravely but indirectly affecting private or public interests which never could be admitted into public Acts. Some weeks since they had an eager debate on Parks in London, and much jealousy was expressed in favour of maintaining foot-paths across them. It, therefore, was with no ordinary surprise that he found a local Act of a great Corporation stopping a much-prized foot-path across one of their Parks. He might say much on the inconvenience of this system; but he thought that he had already laid before the House abundant proof that a prompt and vigorous reform was necessary. It would doubtless be more convenient to take the Resolutions separately, and he therefore begged to move the second of the three Resolutions which he had placed on the Paper.

MR. ASSHETON CROSS seconded the Motion.

Motion made, and Question proposed,

"That the existing system of passing Local Bills on the same subjects as Public General Acts is inconvenient, works injustice between different towns, and leads to unnecessary complication in the Laws affecting Local Government."—(*Mr. Francis Sharp Powell.*)

Mr. DENT said, he should move the Adjournment of the Debate, on the ground that the subject could not be discussed with any effect when there was so much important Public Business before them.

Mr. STANSFELD said, he was prepared at once to admit the importance of the question; but, looking at the state of Business, he must express a hope that the hon. Member would agree to the adjournment of the discussion.

Mr. F. S. POWELL said, he was willing to accept the suggestion.

Motion agreed to.

Debate adjourned till Thursday next.

IRELAND—GALWAY ELECTION PETITION.

JUDGMENT OF MR. JUSTICE KEOGH.

Mr. SPEAKER informed the House, that he had received from Mr. Justice Keogh, one of the Judges selected, pursuant to the Parliamentary Elections Act, 1868, for the Trial of Election Petitions, a Certificate and Report relating to the Election for the County of Galway, and also a Special Case submitted for the opinion of the Court of Common Pleas in Ireland and the Order of the Court upon such Special Case.

And that he had further received the Minutes of Evidence taken before Mr. Justice Keogh, and an Appendix to such Minutes of Evidence, together with a Copy of the Shorthand Writer's Notes of the Judgment of Mr. Justice Keogh on the Trial of the said Election Petition.

And the said Certificate and Report were read, as followeth:—

GALWAY ELECTION.—The Parliamentary Elections Act 1868.

Election Petition for County of Galway.

To the Right Honourable the Speaker of the House of Commons.

Dublin, 11th June, 1872.

In the matter of a Petition presented to the Court of Common Pleas by Captain the honourable William le Poer Trench, candidate at the last Election for the County of Galway, against Captain John Philip Nolan, who was returned at the last Parliamentary Election for said County, by which Petition (a copy whereof I transmit herewith), it was prayed that it might be determined that the said William le Poer Trench was duly elected, and ought to have been returned, or that the said John Philip Nolan was not duly elected or returned.

The trial of this Petition took place before me at Galway, in the said County, upon the first day of April last, and was continued, from day to day, until the 27th of May, in presence of the parties,

their Counsel and Agents, and having heard the evidence which was given and counsel for both parties, I did then, at the conclusion of said trial, determine, and do accordingly certify that the said John Philip Nolan was not duly elected to serve in Parliament for the said County of Galway, and ought not to have been returned, and that the said John Philip Nolan had been by himself and his agents guilty of undue influence at such Election, within the meaning of "The Corrupt Practices Prevention Act 1854."

I further determined, and do certify, that intimidation and undue influence, within the meaning of the Corrupt Practices Prevention Act, did extensively prevail in the said County at and previous to such Election.

I further certify that the persons whose names I have set forth in the Schedule number "One" to this Certificate annexed, were guilty, at and previous to said Election, of undue influence within the meaning of the provisions of said Act.

And I do further report to Mr. Speaker that the Roman Catholic clergymen whose names have been set forth in the Schedule number "Two" to this Certificate annexed, being the persons of the same name included in Schedule "One," by threats and denunciations of temporal injury, and spiritual punishment, uttered during or immediately after Divine Service, and from the altars of their respective places of worship, and otherwise, as detailed in the evidence, intimidated and unduly influenced great numbers of the Roman Catholic electors of such County to vote for the said John Philip Nolan, or to refrain from voting against him. And further, it was proved that numbers of such electors who had promised to vote for the said William le Poer Trench afterwards had been compelled to vote for the said John Philip Nolan, or to refrain from voting for said William le Poer Trench, and had avowed they were so compelled by said intimidation and undue influence.

And I further report that, although I have found and reported that the Most Reverend John MacHale, the Roman Catholic Archbishop of Tuam, and the Most Reverend John McEvilly, the Roman Catholic Bishop of Galway, were guilty of undue influence, it was not proved that the said Most Reverend John MacHale, Roman Catholic Archbishop of Tuam, or that the said Most Reverend John McEvilly, Roman Catholic Bishop of Galway, sanctioned or had taken part in such denunciations as before-mentioned. And the Most Reverend the Roman Catholic Bishop of Galway proved that any such denunciations in a Roman Catholic chapel, and more especially if made against any person by name, are in direct violation of the ordinances of the Roman Catholic Church in force in Ireland, as enjoined by certain Synodical decrees furnished to the Court, and which are placed upon the Notes of Evidence.

And I have further to report that the Reverend Patrick Loftus, one of the clergymen whose names appear in said Schedules, was proved by the testimony of several faithworthy witnesses to have, in connection with such Election, denounced from the altar of his church, in the presence of his congregation on the Sabbath, the wife of a gentleman an elector for said County, and resident in his parish, (both he and his said wife professing the Protestant religion) and to have made other statements material to the inquiry, which the said Reverend Patrick Loftus denied on his oath:

and I, being satisfied of his wilful untruth, was then of opinion and so declared, and am now of opinion, that in his evidence before me he committed perjury.

And I have further to report to Mr. Speaker that the Reverend Peter Conway mentioned in said Schedules is the same Reverend Peter Conway mentioned in the fifth resolution of the Report of the Select Committee appointed to try and determine the Mayo Election Petition 1857, which report was brought before me during the inquiry.

And I have further to report that a system of intimidation prevailed throughout said County, for many weeks preceding said Election, to prevent voters recording their votes for the said William le Poer Trench, and that such intimidation was exercised, amongst other ways, by means of nocturnal visits to the houses of voters, and threats there uttered, and by the posting, and sending through the post office, threatening notices and letters to voters, and wives of voters, with a view to intimidate such voters from voting, as they had previously promised and intended, for the said William le Poer Trench.

And I further report to Mr. Speaker that on the day of the polling, at some of the polling places in said County, especially in the towns of Tuam, Uughterard, and Ballinasloe, violent mobs were organised and did attack voters who were proceeding to the poll, to vote for the said William le Poer Trench, and returning therefrom, and that the lives of voters and agents for the said William le Poer Trench were endangered by such mobs, and that in one part of such County the high road was cut across to prevent voters reaching the poll.

And I have further to report that the Reverend Patrick J. O'Brien, parish priest in the archdiocese of Tuam, who was the proposer of the said John Philip Nolan at said Election, publicly announced on the morning of the polling, at the polling place in Tuam, to a gentleman of the Protestant persuasion, who had there voted for the said William le Poer Trench, that "there would not be a hair of his head disturbed"—that nothing would be done to him—"that they were all renegade Roman Catholics, who would be exoriated."

I have further to report that the voters throughout the County were, on the day of polling, systematically conducted to the booths by the Roman Catholic clergy, who interfered actively in such polling, and were in so doing acting as the agents of the said John Philip Nolan.

And I certify that such acts and practices of the said Roman Catholic clergymen in the several ways and on the occasions to which I have referred, and, as otherwise fully detailed, not only in the evidence for and on behalf of the Petitioner, but upon the examination and cross-examination of the witnesses, lay and clerical, produced to give evidence for the said John Philip Nolan, was inconsistent with the free exercise of the franchise by the electors of said County and subversive of freedom of election therein.

And I have further to report to Mr. Speaker that, during the course of the trial, efforts were made to intimidate witnesses who had either given, or were about to give, evidence before me on such trial, in consequence of which I was obliged to commit to prison two persons, viz., Michael Roach and Patrick Barrett, for contempt of Court; the said Patrick Barrett being the

person named in the evidence who was engaged actively, previous to such Election, insulting and intimidating electors, in the interest of said Petitioner, in language so obscene that a witness who deposed thereto refused to state it otherwise than in writing, as appears on the Notes.

And further that, in one case, a witness who was in Court and about to be called before me by the Petitioner's agent, was addressed by two Roman Catholic clergymen, the Reverend James Staunton and Reverend Patrick Lavelle, on the subject of the evidence he was about to give, and particularly told by the said Reverend James Staunton that "there were two ways of telling the truth," and otherwise cautioned, as appears on the Notes of Evidence, and the said witness was some days afterwards severely beaten on the high road, and was produced before me to make affidavit of the treatment he had so received, but in consequence of the then late period of the inquiry I was unable to do more than remit the case to the ordinary tribunals.

And I further certify that it appeared to me on the trial of such petition that certain questions of law required further consideration by the Court of Common Pleas before finally determining the matters referred to me, and that accordingly I should postpone granting this my Certificate until the determination of such questions by said Court of Common Pleas pursuant to "The Parliamentary Elections Act 1868."

And I further certify that I submitted such questions to said Court, in a Case prepared by me for the purpose, and that, said Case having come on before said Court for argument, the Court, after hearing counsel for said William le Poer Trench, and for said John Philip Nolan respectively, pronounced their judgment and determined thereon in answer to said questions to the following effect, videlicet: "That the electors who constituted the majority of said Respondent were fixed with sufficient knowledge of the disqualification of the said John Philip Nolan and should have acted on such disqualification, and refrained from voting for said John Philip Nolan. And further the said Court adjudged and determined that the said Honourable William le Poer Trench, there being no disqualification on his part, was entitled to be declared duly elected for said County."

And I beg to refer to copies of said Case, and said Judgment or determination, which I transmit herewith.

And I further certify that, having regard to said Judgment and determination, I have accordingly determined, and do determine, that the said Honourable William le Poer Trench was entitled to be declared duly elected for said County of Galway as representative in Parliament for said County. And I do accordingly certify that he was so elected.

And I beg further to state that the copy of the evidence given at the trial, as taken down by the shorthand writer of the House of Commons, and as furnished by him to me, accompanies this my Certificate.

Given under my hand this 11th June, 1872,

WILLIAM KNOX,

Second Justice of Her Majesty's Court of Common Pleas in Ireland, and one of the Judges for the time being on the rota for the trial of Election Petitions in Ireland.

Schedule "One" in the foregoing Certificate referred to.

Captain John Philip Nolan.

Sebastian Nolan, esquire.

The Most Reverend John MacHale, Roman Catholic Archbishop of Tuam.

The Most Reverend Patrick Duggan, Roman Catholic Bishop of Conserf.

The Most Reverend John McEvelly, Roman Catholic Bishop of Galway.

The Reverends Patrick Loftus, Bartholomew Quin, James Staunton, Patrick Lavelle, Peter Conway, John Kemmy, Thomas Considine, John O'Grady, John Deely, Jerome Fahy, James Furlong, Patrick Cannon, Patrick Lyons, Patrick Kilkenny, Thomas Kerrins, Timothy Keevil, Coleman Galvin, Michael Byrne, Eugene White, Thomas Walsh, Patrick J. O'Brien, P. Melvin or Mullin, James Madden, William Manning, Malachi Greene, Patrick O'Meara, Patrick Coen, Francis Forde, William McGauran or McGovern, Francis Kenny, John McKeague or McKeirgue.

Schedule "Two" in the foregoing Certificate referred to.

The Reverends Patrick Loftus, Bartholomew Quin, James Staunton, Peter Conway, Thomas Considine, John O'Grady, Jerome Fahy, James Furlong, Patrick Cannon, Timothy Keevil, Coleman Galvin, Michael Byrne, Eugene White, Thomas Walsh, James Madden, William Manning, Malachi Green, Patrick Coen, Francis Ford, William McGauran or McGovern, Francis Kenny, John McKeague or McKeirgue.

WILLIAM KEOGH, Election Judge.

To the Right Honourable
The Speaker of the House of Commons.

COMMON PLEAS.

The Parliamentary Elections Act, 1868.

In the matter of the Election Petition for the County of Galway, between the Honourable William Le Poor Trench, Petitioner; Captain John Philip Nolan, Respondent.

Case for the Determination of the Court of Common Pleas.

I hereby certify that the above Petition to which I refer came on for trial before me at Galway, on the 1st of April last, and that, said trial having been continued from day to day, at the conclusion thereof, on the 27th day of May instant, it appeared to me requisite that before finally determining as to that portion of the Petition which prayed that the said Petitioner might be declared duly elected, and that he should have been returned, I should, under the 12th section of said Act reserve certain questions of law for the consideration of the Court of Common Pleas, and that I should accordingly postpone the granting the Certificate directed by the said Act until the determination of such questions by the said Court.

I came to the conclusion, as a matter of fact, that the said Respondent had, previously to the said Election, by himself and his agents, committed the offence of undue influence upon the electors in order to induce and compel such electors to give their votes for him or to refrain from voting against him at said Election, contrary to law and against the provisions of the statutes

against such practices made and provided, and especially against the provisions of the statute 17 and 18 Victoria, chap. 102, section 6.

It was proved before me that the number of the electors on the registry for such County was 5,346, but that, making allowance for double entries and deaths, the real number of electors available to vote at the time of such Election, which took place on the 6th of February in this year, did not exceed 4,686, of these 2,823 voted for the Respondent, and 658 for the Petitioner. The Respondent was declared by the Sheriff duly elected.

It was further proved before me that such undue influence had been practised upon the electors of the County, and had been carried out in pursuance of arrangements made by the said Respondent and his agents previous to such Election, and especially during the months of November and December of the last year, and the month of January of the present year.

It was also proved that certain of the prelates of the Roman Catholic Church had, by letters written to and read at public meetings, and by resolutions adopted at meetings and conferences of the Roman Catholic clergy at which they presided, and which resolutions were printed, published, and made known throughout the County by the Respondent, and his agents aided and assisted in the exercise of such undue influence. It was also proved that many of the Roman Catholic clergy discharging ecclesiastical duties in said County had by their speeches at public meetings, held in various parts of the County commencing on the 19th of December of last year, and continued through the month of January in the present year, and by denunciations and threats of temporal injury and spiritual punishment uttered during and after Divine service, and in the presence of their congregations, had intimidated and unduly influenced the electors of such County, and that the said Respondent had made himself liable for their acts.

It was also admitted upon both sides on such trial that at least nine-tenths of the electors were members of the Roman Catholic Church.

I was satisfied that by the foregoing and other acts of intimidation proved against the Respondent and his agents the status of the said Respondent as a candidate qualified to be elected was destroyed, and that he was disqualified to be elected for the said County by such acts committed by him and his agents as hereinbefore described, and that such disqualification existed previous to the day of nomination for such Election, and that the knowledge of such acts, and especially of such intimidation and undue influence had become generally known through and amongst the great body of the electors throughout the County, and especially amongst those who afterwards voted for the said Respondent.

It was further proved before me, that large numbers of the electors who had previously declared their intention to vote for said Petitioner had been compelled to vote for said Respondent, or to refrain from voting for the said Petitioner, and had avowed they were so compelled by such intimidation and undue influence. It was proved that the exercise of such intimidation and undue influence had become publicly known amongst the electors of such County previous to the day of nomination.

It was further proved before me, that on the 3rd day of February, "being the day of nomination," the said Petitioner caused a notice to be posted at and in the immediate vicinity of the place of nomination for said County, and to be advertised in several of the newspapers published in the County, and to be extensively posted in the different polling-places for such County, cautioning the electors that said Respondent was disqualified from being elected for the said County as set forth in said Petition.

It was further proved that at each of the different polling places and of the respective polling booths the said Petitioner had persons stationed with copies of such notices with the view of serving them on the electors previous to their recording their votes at the poll.

It was further proved that these notices were served at each of the polling places (with one exception) on some of the electors previous to their voting, the numbers of such services varying considerably in different polling places, but not amounting in the aggregate of personal services to more than a few hundreds; and furthermore it was proved that attempts were made to serve numbers of such notices on the voters as they came to the poll, who either refused to receive them or were prevented receiving them by the confusion in the booths, sometimes by the agents of the Respondent, and frequently by the members of the Roman Catholic clergy who were engaged conducting the electors to the poll. In the excepted booth to which I have referred the person placed to serve the notices did not do so until after the electors had polled, having been told by one of the agents of the Respondent that was the proper time to do so.

It was further proved that numbers of those notices were scattered about on the floors and tables of the polling booths. They were all in the English language, and it was proved that many of the electors could not speak English.

It was, on the foregoing facts, contended before me, on behalf of the Petitioner, that, the status of the said Respondent being destroyed thereby, the Petitioner was the only Candidate before the constituency eligible to receive their votes and be declared elected, and that I should accordingly declare him duly elected.

It was however contended on the part of the Respondent that, notwithstanding the said Respondent being found ineligible, yet that the votes given to him were not thrown away, as the electors were not bound to act upon his ineligibility, even though made known to them by sufficient notice, until so declared by some competent legal tribunal; and, furthermore, that even if they were bound to act upon such ineligibility, though not so previously found, knowledge thereof was not sufficiently brought home to a sufficient number of electors to displace the majority of the said Respondent and to justify me in declaring said Petitioner duly elected.

I therefore request the opinion and determination of the Court of Common Pleas upon the following questions:

1st. Were the electors who constituted the majority of said Respondent fixed with sufficient knowledge of the disqualification of the said Respondent, and should they have acted upon such disqualification and refrained from voting for said Respondent?

2nd. Was the Petitioner, there being no disqualification on his part, entitled to be declared elected for said County?

WILLIAM KROGH, 31st May, 1873.

Received and filed in Election Petition Office this 31st May, 1873. C. G. BURKE, Master.

I certify foregoing to be a correct copy.

C. G. BURKE, Master C.P.

COMMON PLEAS, TUESDAY 11TH JUNE, 1873.

In re the Parliamentary Elections Act 1868, and the County of Galway Election Petition.

Honorable William De la Poer Trench, Petitioner;

John Philip Nolan, Respondent.

The Case stating certain questions of law for the determination of the Court having been called on for argument on the sixth day of June instant (the day duly appointed for the purpose) Serjeant Armstrong, with whom were Mr. Murphy, Q.C. and Mr. Perce appeared as Counsel on behalf of the Petitioner, and Mr. Macdonagh, Q.C., with whom was Mr. MacDermott, appeared as Counsel on behalf of the Respondent. Whereupon on reading said Case and on hearing Counsel the argument was adjourned until the seventh day of June instant (the succeeding day), on which last-mentioned day, the argument having concluded, the Court reserved judgment. And on this day doth adjudge and determine, in answer to the first question submitted to them, that the electors who constituted the majority of said Respondent were fixed with sufficient knowledge of the disqualification of the said Respondent, and should have acted on such disqualification and refrained from voting for said Respondent.

And, in answer to the second question submitted to them—whether the Petitioner (there being no disqualification on his part) was entitled to be declared duly elected,

The Court doth adjudge and determine that the Petitioner, there being no disqualification on his part, was entitled to be declared duly elected for said County.

C. G. BURKE, Master,

Common Pleas, Ireland.

MR. GLADSTONE: Sir, I beg to read to the House the 13th section of the Parliamentary Elections Act as the simplest mode of informing the House of the Motion I am about to make, and the rendering it unnecessary that I should make any statement, or give any reasons for the course I am about to pursue. The 12th section of the Act refers to the proceedings before the Election Judge, and then the 13th section provides

"That the House of Commons, on being informed by the Speaker of such Certificate and Report or Reports, if any, shall order the same to be entered on the Journals, and shall give the necessary directions for confirming or altering the Return, or for issuing a writ for a new Election, or for carrying the determination of the Judge into execution, as circumstances may require."

The first proceeding therefore is, that the House shall order the same to be

entered in the Journals of the House, and as a matter of course I make that Motion.

Motion made, and Question put,

"That the said Certificate and Report from Mr. Justice Keogh, together with the Special Case and Order of the Court of Common Pleas in Ireland, be entered in the Journals of this House."

Motion agreed to.

MR. GLADSTONE: The further duty, as prescribed by the Act, is that I should move

"That the Clerk of the Crown do attend this House to-morrow, at Two of the clock, with the last Return for the County of Galway, and amend the same, by rasing out the name of John Philip Nolan, esquire, and inserting the name of Captain the Honourable William le Poer Trench, instead thereof."

SIR COLMAN O'LOGHLEN: Sir, I rise to ask the right hon. Gentleman not to press his Motion this evening. It may be perfectly true that under the provisions of this very extraordinary Act this House has no power whatever to refuse to seat Captain Trench, who has been declared by the Court of Common Pleas in Ireland duly elected for the county of Galway; but it is of the greatest possible importance in a case of this kind—which is a case of first impressions—that the attention of the House should be called to the decision of the Court of Common Pleas; but, of course, it is utterly impossible to do so this evening, as we have not before us the Certificate of the learned Judge, nor the decision of the Court on which it is founded. I do not propose to raise any Motion to-night; but if the right hon. Gentleman the Prime Minister will postpone this Motion until the Papers are in our hands—say to-morrow or Monday—I shall be prepared to move the Motion of which I gave Notice yesterday as an Amendment to this extraordinary Motion. I take it that it is of the utmost importance that this decision, which is one of the highest constitutional weight, and for which there is no precedent, should be calmly considered by the House, and that it should be clearly ascertained by the House whether we are bound to carry it out according to the statute. The learned Judges who decided the case in the Court of Common Pleas stated that there was no decision in point to guide them—that this was a case of first impressions;

and that being so, I think that before this House directs the Return to be amended in the manner suggested by the Prime Minister, we should have an opportunity of entering our protest against the decision even if we are bound to carry it out according to the statute. I look on the decision of the Court of Common Pleas as one of the most dangerous decisions as affecting the rights of the electors of the whole country that could be made by any Court of Justice, and the more it is canvassed and considered, the more it will be found to be a decision that ought not to have been made. I say it with respect, but as strongly as I can, that, in my opinion, this decision goes out without authority and will return without respect, and therefore I think the House ought to have an opportunity of considering the decision. I do not propose in so doing to raise any question as to the unseating of Mr. Nolan, but to bring under the attention of the House the decision of the Court of Common Pleas, but which I am unable to do to-night from the want of the necessary Papers. I think I am not asking too much in asking to have the matter postponed for a few days. We can carry out the provisions of the statute, if we are bound to do so, quite as well on Monday as to-night; and in the meantime we shall have an opportunity of looking into the case.

MR. BOUVERIE: Sir, if the Act of Parliament had given any discretion to the House, the proposition of the right hon. Gentleman would not have been unreasonable; but the House must bear in mind that it is absolutely powerless in this matter. In spite of the protest of a powerful minority, of which I happened to be one, which pointed out, when the Parliamentary Elections Bill was under discussion, that we were parting with the power of dealing with the seats of this House which the common law gave us, and handing it over to the Judges, the House deliberately agreed by Act of Parliament to the taking of all authority and discretion in the matter out of their own hands. The right hon. Gentleman, in proposing his Motion, did not refer to the previous section to that which provides for the finding of the Judges, to which the 13th section was merely confined. The 13th sub-section of the 11th section provides that—

"At the conclusion of the trial the Judge who tries the Petition shall determine whether a Member whose return or election is complained of, or any and what other person was duly returned or elected, or whether the election was void, shall forthwith certify in writing such determination to the Speaker, and upon such certificate being given such decision shall be final to all intents and purposes."

The next clause provides for an appeal to the Court above, whose decision shall also be final. So that we have absolutely no power whatever in the matter, but we are in this position—that having no power we are unable to deal with the matter at all, and that Captain Trench is entitled to his seat, as has been found by the proper tribunal; and, moreover, that he was entitled to it from the date of the election, now some considerable time ago. Therefore, in common justice, and in compliance with the Act, we are bound to proceed as rapidly as the forms under which we act will allow us to do to place Captain Trench in that seat which he is entitled to occupy.

MR. GLADSTONE: I was about, when my right hon. Friend who has just spoken rose, to remark that my right hon. Friend the Member for Clare had, in his speech, and in the procedure he suggested connected together two things which are really distinct. The one is whether the judgment of the Court in Ireland is a matter demanding or warranting the attention of Parliament; the other is, whether the attention of Parliament can only with propriety be called to it in the interval between our receiving the Certificate and Report of the Judge and our giving effect thereto. Now I quite agree with my right hon. Friend that this judgment is one of great importance, and while, of course, I give no opinion in relation to it, I admit that it is within the right or discretion of any hon. Member to call attention to it. No one can question the legitimacy of such a course, but I cannot see any connection between that and the duty we are now called upon to discharge. In the event of the House acceding to my Motion, it will remain perfectly open to my right hon. Friend or any other hon. Member to make any Motion he pleases, or give any opinion upon the judgment. On the other hand, it appears to us, on examining this section of the Act, that it is our duty neither to deny justice nor to delay it. I admit that we might be perfectly warranted in postponing our compliance

Mr. Bouverie

with this positive injunction could it be shown that such postponement had a bearing upon something we were to do under the Act; but no discussion that can be raised can have the smallest bearing on the course which we are bound to take. As my right hon. Friend (Mr. Bouverie) has pointed out, we have parted with our powers as an independent portion of the Legislature in this matter. We are, therefore, now only called upon to perform Ministerial duties, and we must perform them with the same exactitude—I will add even the same submission and the same desire to set an example of obedience to the law—as the humblest agent of the law. It appears to me, therefore, that to delay compliance with the injunctions of the statute with regard to the consequences of the Certificate and Report of the Judge would tend to cast a doubt upon the dignity of the proceedings of the House, and would not really be warranted by the spirit and intent of the Act. I trust, therefore, the House will agree to the Motion I have made.

MR. DISRAELI: Sir, being responsible for the introduction of this Act, I wish to say one word. The proposition which the right hon. Gentleman wishes to bring forward is that there should be an appeal to this House from the decision of the Court of Common Pleas. Now, without giving any opinion on the merits of that particular decision—quite unnecessary at the present moment—I beg to remind the House that the question whether there should be an appeal or not was brought under the consideration of Parliament, and was definitively decided in the negative.

Motion agreed to.

Ordered, That the Clerk of the Crown do attend this House To-morrow, at Two of the clock, with the last Return for the County of Galway, and amend the same, by rasing out the name of John Philip Nolan, esquire, and inserting the name of Captain the Honourable William le Poer Trench, instead thereof.

THE ATTORNEY GENERAL FOR IRELAND (Mr. DOWSE): Sir, I beg to move that the Evidence taken at the trial of the Election Petition for the County of Galway and the Judgment of the learned Judge be printed.

SIR COLMAN O'LOGHLEN: Sir, I wish to ask whether, as the Act expires on the 1st of August this year, and is proposed to be made permanent by a clause in the Corrupt Practices Act—as the working of the Act has been so well estimated by hon. Gentlemen on both sides of the House and out-of-doors—it is not worthy the consideration of the House whether the Act should be continued or not, or whether it had not better be amended by a separate Bill providing that Election Petitions shall be tried before three Judges instead of one, and that there shall be an appeal? It is of great importance to Irish Members—many of whom have to go on Circuit the first week in July—to know when the clause in the Corrupt Practices Bill, making this Act permanent, will come on for discussion, and I therefore hope the right hon. Gentleman will bring it forward some day in the present month.

LORD ROBERT MONTAGU: I beg to suggest to the right hon. Gentleman the Attorney General for Ireland that he should add to his Motion that there should be also printed the Case that was laid before the Court of Common Pleas, and upon which that Court delivered judgment.

THE ATTORNEY GENERAL FOR IRELAND (Mr. Dowse): The Case that was laid before the Court of Common Pleas is already before the House, and I have no objection to its being included in my Motion.

MR. GLADSTONE: In reference to what has fallen from the right hon. Gentleman the Member for Clare, when we come to consider what we shall have to do before many days elapse—the further order of Business after the disposal of the Scotch Education Bill and the Mines Regulation Bill, I will bear in mind what has happened to-night in reference to the Galway Election Petition, and we will make the best arrangements we can in reference to it.

SIR JOHN GRAY: When the right hon. and learned Gentleman the Attorney General for Ireland speaks of the Judgment of Mr. Justice Keogh, does he mean the shorthand writer's notes, or another document purporting to be the Judgment?

THE ATTORNEY GENERAL FOR IRELAND (Mr. Dowse): I mean the shorthand writer's notes.

Motion agreed to.

Ordered, That the Copy of the Shorthand Writer's Notes of the Judgment of Mr. Justice Keogh on the Trial of the Galway County Election Petition [No. 241]:

Also the Minutes of the Evidence taken at the Trial of the said Election Petition, and the Appendix thereto [No. 241], be printed.—(Mr. Attorney General for Ireland.)

ELEMENTARY EDUCATION ACT— LUDLOW SCHOOL.—QUESTION.

MR. DIXON asked the Vice President of the Council, Whether he is aware that the children attending the public elementary school of the parish of Ludlow were taken by the master to church at eleven o'clock in the morning on Holy Thursday; and whether this proceeding was not in violation of section 7 of the Elementary Education Act?

MR. W. E. FORSTER: Sir, I have made inquiries into the facts of the case, and I find that some of the children attending the National School in Ludlow, and also that some of the children attending the elementary school, did, accompanied by the master, attend in church on the morning of Ascension Day. I find also that has been the general practice in that school, and also that the fullest opportunities were given to children not to attend in church whose parents did not wish them to attend. I find also that the day is not counted as one of the days for which money is given under the Code. It is counted as one of the holidays. Under these circumstances, I do not think the proceeding in question was a violation of the Elementary Education Act.

COLONIES—CROWN LANDS.—QUESTION.

MR. MACFIE asked the Under Secretary of State for the Colonies, If he is cognisant of any negotiations having for their object surrender of the proprietary or the other rights of the Crown over waste lands in Natal; and, if so, whether he will inform the House what is the extent of these lands, and whether their present and prospective value has been estimated, and what is the number of the British population to whom they would be transferred; what conditions,

favourable to immigration, would be made as to the application of the revenue accruing from sales and leases of these lands; the same with regard to Western Australia; whether there is not a probability that responsible Government will be immediately established in Western Australia, and in this event what course Her Majesty's Government will take with respect to the control and disposal of the Crown lands there; and, what is the extent of the waste lands that after such transferences would remain under control of the Crown in any part of the Empire?

MR. KNATCHBULL-HUGESSEN: Sir, there are, in round numbers, about 3,000,000 acres of Crown lands in Natal. The negotiations relative to the projected railways in that colony comprise a proposal to transfer a large portion of these lands to the railway company. That has always been found one of the best ways of encouraging enterprise, of developing the resources of a colony, and promoting an increase of white settlers. The same has been done to a limited extent in Western Australia in the case of two companies within the last three years. The area of Crown lands is very extensive—upwards of 600,000,000 acres, of which about 1,500,000 acres have been alienated since the establishment of the colony in 1829. There is no probability of responsible Government being immediately established in Western Australia; and until there is such a probability, the hon. Member will hardly expect me to explain the course which Her Majesty's Government would take in such a contingency. The latter part of the hon. Gentleman's Question—namely, what is the extent of the waste lands that after such transference would remain under the control of the Crown in any part of the Empire, could only be answered by reference to the different colonies, involving a delay of many months before the information could be obtained with any approach to accuracy. The extent of these lands, however, is very large.

INDIAN LABOURERS IN THE MAURITIUS. QUESTION.

MR. GILPIN asked the Under Secretary of State for the Colonies, Whether a day labourer (Indian) in the mountains is obliged to pay one pound for a licence to earn his living as a labourer; and,

Mr. Macfie

whether a sugar planter is subject to any licence on entering upon his business?

MR. KNATCHBULL-HUGESSEN: It is quite true, Sir, that under existing regulations the old immigrants in Mauritius—that is, those immigrants whose indentures have expired—are required to hold a licence, for which they pay £1 per annum. This is to insure identification and to check vagrancy. It is also true that sugar planters are not subject to any licence, being easily identified and not likely to become vagrants. I may, however, remind my hon. Friend that the whole subject of the condition of the Indian immigrants in Mauritius is now under the consideration of a Royal Commission, and that this point, with others, cannot fail to receive their special attention.

LAND RETURNS—THE "NEW DOMESDAY BOOK."—QUESTION.

MR. WREN-HOSKYNs asked, If it is the intention of Her Majesty's Government to lay upon the Table of the House before the close of this Session, the Land Returns moved for elsewhere, and promised in this House, under the title of the "New Domesday Book;" and, whether those Returns will distinguish all the land held in mortmain by corporate owners, viz., Ecclesiastical, Charitable, Collegiate, Municipal, and belonging to Hospitals and Chartered Companies?

MR. STANSFELD said, in reply, that the Returns in question were being prepared upon information contained in the valuation lists, corrected as far as possible by the knowledge and information obtained by the clerks of the different unions, and as far as possible the Returns would distinguish all the land held in mortmain by ecclesiastical, charitable, collegiate and municipal corporations, and belonging also to hospitals and chartered companies.

POST OFFICE—IRISH MAILS—MILFORD. QUESTION.

MR. GILPIN asked the Postmaster General, Whether his attention has been drawn to the advantages of Milford as a Foreign and South Irish Mail Packet Station, and to the saving of time that would accrue to the cities of London, Manchester, Birmingham, and the Mid-

land districts by the delivery thereof and despatch of mails therefrom?

MR. MONSELL, in reply, said, the subject of Irish mails had been frequently considered by that House. With regard to foreign mails, the steam packet companies ordinarily selected their own ports, and in doing so they were chiefly guided by commercial considerations. With regard to the Irish mail, the hon. Member must be aware that considering the distance between Milford and Waterford, and the comparative slowness of the steamers that ran from Milford to Waterford, there would be a loss of time even to the most southern parts of Ireland in sending mails by the Milford route. If the improvements which he understood were now being made at Fishguard, and by which a shorter route from England to Ireland might be made than by Holyhead, then no doubt the circumstances of the case would be altogether altered, and the Post Office would re-consider the subject.

CRIMINAL PROSECUTIONS—TREASURY REVISION OF COSTS.—QUESTION.

MR. WHARTON asked the Secretary of State for the Home Department, Whether he is prepared to state the alternative scheme to be adopted in lieu of the former system of taxation by the Treasury of the costs in criminal prosecutions; and, if not, when he will do so?

MR. BRUCE, in reply, said, that the Government had considered how best to give effect to the promise which was made by them on the withdrawal of the Motion of the hon. Member for South Devon (Sir Massey Lopes), and had come to the conclusion that that might be done by the introduction of Amendments in the Public Prosecutors Bill, which would be before the House on Wednesday next. The effect of those Amendments would be to relieve counties and boroughs of the statutory obligations to which they were now subject in regard to costs in criminal prosecutions; and they would be laid on the Table in time for their consideration before the Bill was proceeded with, but not before Monday.

CRIMINAL LAW — COLLUMPTON MAGIS- TRATES—CASE OF JOHN WEBBER.

QUESTION.

MR. KAY-SHUTTLEWORTH asked the Secretary of State for the Home Department, What is the result of the inquiry he has made into the conduct of the magistrates sitting in petty-sessions at Collumpton on Monday June 3rd, in the case of John Webber, a farm labourer?

MR. BRUCE, in reply, said, he had received explanations from the magistrates on this subject. In the first place, he might observe that the decision itself at which they arrived had reference to one of the most difficult questions with which magistrates had to deal—namely, what is and what is not a contract, and for what time was that contract made; and he was bound to say that, after reading the explanations, the decision was honestly arrived at, whether it was a correct decision or not. With regard to the scene that followed, the chairman of the magistrates denied, in warm terms, the accuracy of the statement made by the person who had described the scene. No doubt the conduct of the magistrates, if correctly represented by that person, could not be defended; but as the accuracy of the statement was disputed the course to be pursued, in case of further action being taken, was to make distinct charges to the Lord Chancellor, who was the officer deputed by law to deal with such matters.

METROPOLIS—CHELSEA TOLL BRIDGE. QUESTION.

MR. PEEK asked the First Commissioner of Works, Whether the financial position of the Government toll bridge at Chelsea has improved or otherwise during the past two years; whether any of the land surrounding Battersea Park has within such period been sold; and, when the freedom from toll anticipated and intended to be provided for by the Act of 1858 may be expected?

MR. AYRTON, in reply, said, the balance of the debt charged on Chelsea Bridge up to 1870 was £101,604, and he was happy to inform the hon. Member that in March, 1872, it was reduced to £92,000. From that fact, and from the accounts which had been laid on the Table of the House, the hon. Member

would be able to form his own conclusions as to when the debt would be entirely liquidated. With regard to the land around Battersea Park, three-quarters of an acre had been sold during the period named in the Question for the sum of £3,250.

RAILWAYS—COMMUNICATION WITH GUARDS—THE CORD SYSTEM.

QUESTION.

MR. HINDE PALMER asked the President of the Board of Trade, Whether his attention has been directed to the recent Report of Captain Tyler as to the failure on one of the leading lines of Railway of the cord communication between passengers and guards; and, whether he intends to take any steps for ascertaining the best and most certain system of communication which can be used, in compliance with the 22nd section of the Regulation of Railways Act, 1868?

MR. CHICHESTER FORTESCUE, in reply, said, that since the receipt of Captain Tyler's Report this subject had been considered by the Board of Trade, and the opinions of the Inspectors of Railways taken upon it. It appeared, on the whole, that the cord system had, to a great extent, proved a failure, and that among the many remedies suggested an electric system of communication was most likely to prove successful. His hon. and learned Friend was not quite accurate as to the functions of the Board of Trade. They had no power of initiative, either with regard to devising or prescribing any particular system of communication. What they could do was to withdraw the provisional approval which was given to the cord communication now in use on the Railways, and to call upon the Companies to substitute some better arrangement, and propose it for the approval of the Board of Trade. That was the course he meant to take.

SUEZ CANAL—INCREASE OF DUES—NET AND GROSS TONNAGE.

QUESTION.

MR. NORWOOD asked the President of the Board of Trade, Whether his attention has been directed to a notification of the Suez Canal Company, that on and after the 1st July next, the toll

of ten francs per ton now levied on the net tonnage (or cargo capacity) of steamers will be charged on the gross tonnage; and, whether the opinion of the Law Officers of the Crown has been taken as to the power of the Company, consistently with the terms of its Concession, to levy dues on that portion of the tonnage of a merchant steam vessel occupied by its machinery and fuel?

MR. CHICHESTER FORTESCUE said, in reply, the opinion of the Law Officers of the Crown had not been taken on this subject, and he was not sure whether the Government would think it right to take their opinion as to the effect of the terms of a concession made by a Foreign Government to a Foreign Company. But with regard to the facts of the case, he had reason to believe, from information he had obtained at the Foreign Office, that the notification referred to had been given by the Suez Canal Company. His noble Friend the Secretary of State for Foreign Affairs had taken steps at his request to secure full information on the subject from our Ambassador at Constantinople.

MR. NORWOOD inquired, whether it was true that the Italian Government had taken diplomatic action in the matter?

MR. CHICHESTER FORTESCUE said, the Board of Trade had not received any information of the kind from the Foreign Office.

LOCAL GOVERNMENT—DIGEST OF SANITARY LAWS.—QUESTION.

SIR MASSEY LOPES asked the President of the Local Government Board, Whether he has completed the digest or code of existing Sanitary Laws for the use of the Local Authorities which he referred to as being in progress two months since; and, if so, whether he would give Members of this House the benefit of the information which it contains by laying such digest upon the Table of the House previous to going into Committee on the Public Health Bill?

MR. STANSFELD, in reply, said, the digest to which the hon. Member referred, and which was in course of preparation, was in the nature of a popular digest, and the hon. Gentleman might remember he called it a *rade mecum* of sanitary law. The object which he had in

Mr. Ayton

view was, that when the Public Health Bill became law the local sanitary authorities and their officers might have in their possession in an easy, intelligible, and popular form some kind of digest of existing sanitary Acts as affected by the Public Health Act. He had never, therefore, contemplated completing that digest until the Public Health Bill should have passed both Houses of Parliament. With regard to the second Question, no more complete digest of existing sanitary laws could be had than that contained in the Report of the Commissioners, which had been laid on the Table of the House.

SIR MASSEY LOPES said, the Report contained 167 pages of printed matter, and therefore could not be said to afford the precise digest which would be useful to hon. Members.

ORDNANCE SURVEY—LINCOLNSHIRE. QUESTION.

MR. WELBY asked the Chief Commissioner of Works, How soon a new Ordnance Survey of Lincolnshire may be expected to be published, and on what scale or scales the maps will be drawn?

MR. AYRTON said, in reply, that, according to the new principle by which the surveyors were to be guided, counties of the greatest importance would be first selected; but the selection would be qualified by a regard to the requirements of the War Office. At that rate Lincolnshire would probably be surveyed in the course of the next 10 years.

ELEMENTARY EDUCATION ACT— ELECTION OF SCHOOL BOARDS. QUESTION.

MR. HEYGATE asked the Vice President of the Council, Whether he proposes to introduce, in the present Session, a Bill to regulate the elections for School Boards; and, if so, whether such Bill will contain any provisions for the purpose of limiting the frequency of contests in parishes where the proposition to establish a School Board has been rejected?

MR. W. E. FORSTER, in reply, said, he hoped to be allowed very shortly to introduce a Bill regulating the election of school boards. What its provisions would be he could not state to the House

until the Bill was brought forward; but he might explain that a provision already existed which prevented the ratepayers or town council from renewing the consideration of the propriety of establishing a school board within 12 months of the rejection of a similar proposition. He thought that provision adequate.

SOUTH KENSINGTON MUSEUM—NATURAL HISTORY COLLECTIONS. QUESTION.

MR. SPENCER WALPOLE asked the Chief Commissioner of Works, Whether he is able to inform the House how soon the new buildings at South Kensington for the reception of the Natural History Collections of the British Museum are likely to be commenced?

MR. AYRTON said, in reply, that he regretted there had been considerable delay in commencing the construction of the new buildings at South Kensington for the reception of the Natural History Collections of the British Museum. The architect's sketch plans were sent in during May of last year, and certain questions arose with regard to them which occupied some time to consider; and the further plans were not ready until a much later date than was anticipated. When they were ready tenders had to be invited for the work, and the examination of plans and specifications took up considerable time. Difficulties had also arisen in consequence of the introduction into the building of terra cotta, which required particular precautions. He hoped that in the course of two months some competent contractor would be entrusted with the work.

LIQUOR LAWS IN THE COLONIES. QUESTION.

SIR WILFRID LAWSON asked the Under Secretary of State for the Colonies, When he will be prepared to lay upon the Table the Returns stating the different Laws in force in our various Colonies for restricting or prohibiting the Liquor Traffic, and the results of such Laws?

MR. KNATCHBULL-HUGESSEN, in reply, said, he had received answers from most if not all the colonies respecting the different laws in force there for restricting or prohibiting the liquor traffic, and stating the results of such laws. There had been some accidental

delay in the production of the Papers, which would be presented to the House very shortly.

NAVY—CAPTAINS OF MARINES.

QUESTION.

SIR JOHN HAY asked the First Lord of the Admiralty, If he proposes to advance to the rank of Major the senior Captains of Marines, as is now about to be done in the corresponding seniority corps—viz., the Royal Artillery and Royal Engineers?

MR. GOSCHEN, in reply, said, he understood the proposal with regard to the Army to be to advance certain captains who had more important duties to perform than other captains to the rank of major, and not on account of the number of years of their seniority. That distinction, however, did not exist in the Admiralty. With regard to the senior captains of Marines, he would not say that the question was absolutely settled, for it was still under consideration; but he would be sorry to raise expectations that might afterwards not be realized.

ARMY—MARTINI-HENRY RIFLE.

QUESTION.

MR. STACPOOLE asked the Secretary of State for War, Whether he has authorized Mr. Andrews, a carpenter and pattern maker in the arsenal at Woolwich, to proceed to Constantinople in order to practise with the Martini-Henry rifle, and thus to induce the Turkish Government to adopt it; whether Mr. Andrews is still in the public service; whether he goes to Constantinople at the cost of the nation; and for how long a time he has received leave to absent himself from his duties at Woolwich?

SIR HENRY STORKS: Sir, the Secretary of State has not authorized Mr. Andrews to proceed to Constantinople. The facts of the case are as follows:—On the 7th of May Mr. Andrews, a carpenter employed in the Royal Arsenal at Woolwich, received leave of absence, on his private affairs, from the head of his department for one month, without pay. He has not yet returned. Mr. Andrews is still a carpenter in the Royal Arsenal, and he has not gone abroad at the cost of the public. This morning a letter was received from the

Mr. Knatchbull-Hugessen

agent of Mr. Martini, dated at Constantinople, the 4th of June, applying for an extension of the leave of absence of Mr. Andrews, who, I may observe, is one of the best rifle shots in England. Until this letter was received, the superintendent of the Royal Laboratory, the head of his department, was not aware that Mr. Andrews was at Constantinople, nor out of England, nor in any way employed by Mr. Martini.

ARMY—SCIENTIFIC CORPS—PROMOTION IN THE ARTILLERY AND ENGINEERS.—QUESTION.

MAJOR GENERAL SIR PERCY HERBERT asked the Secretary of State for War, What number of First Captains of Artillery and Engineers would be promoted to be Regimental Majors under the proposed new Warrant; what numbers of them are borne in the British and Indian establishments respectively; what increase of regimental pay and allowances would it give in each case; what will be the increase in the Army Estimates for the numbers so promoted; what will be the increased cost to the Indian Government; and, does he propose to provide for the cost falling in the present financial year by a Supplementary Estimate?

MR. CARDWELL: Sir, the number of first-captains of artillery who will be promoted to be Regimental Majors under the proposed new Warrant will be, on the Imperial establishment, 155; on the Indian establishment, 128—making 283. The number of captains of Royal Engineers will be, on the Imperial establishment, 72; on the Indian establishment, 67—total, 139. When the new battalions are completed in the Engineers there will be 16 more, making a total of 155. Some of these, however, already hold brevet rank. The increase of regimental pay and allowances will be to the Royal Horse Artillery, 4s. 4d. a-day; to the Field and Garrison Artillery, 4s. 8d.; and to the Royal Engineers, 6s.; such officers as require forage also receiving forage allowance. The increase in the Army Estimates for the numbers thus promoted will be for the Royal Artillery, £13,084; for the Royal Engineers, £7,600—making £20,684. I am not precisely informed what the charge to India will be; but before the

plan was adopted communication was held with the India Office as to the mode of payment, in order to avoid the great additional expense under the Indian contract system. Provision has already been made for the cost in this country in the Estimates of the present financial year, and no Supplemental Vote will be required.

TREATY OF WASHINGTON.
THE SAN JUAN ARBITRATION.
CANADIAN CLAIMS.

QUESTION.

MR. CORRANCE: Perhaps, under the present extraordinary circumstances, the Prime Minister will, without the formality of a Notice, give an answer to the following Question with regard to the negotiations as to the Island of San Juan. I wish to know—first, having reference to the telegraphic despatch from Berlin which has appeared in this day's papers—Whether Her Majesty's Government can give any information as to the unexpected or sudden presentation on the 10th instant by our Ambassador at Berlin of the British Answer respecting the St. Juan difficulty referred to the Arbitration of the Emperor of Germany; and, secondly, whether, in pursuance of the answer given by the right hon. Gentleman on Monday last, it is the intention of Her Majesty's Government, pending further negotiations, to proceed with any reference of the Canadian Claims or Questions on the basis laid down by the Washington Commission?

MR. GLADSTONE: I may say, in reply to the hon. Gentleman, that Notice of a Question is not insisted upon as a mere formality—it is necessary in order that Ministers may be able to inform themselves on the subject of the Question and so give an answer with perfect accuracy. I am in a condition to say simply this—that we have no official information—neither I nor the Foreign Office—with regard to the paragraph in the paper about a supposed unexpected or sudden presentation of a document by the British Ambassador relating to the Arbitration at Berlin on the Island of San Juan; there has been no suspension, so far as we know or are concerned, of any proceedings which are now going on at Berlin under the Treaty. That, I

think, is a complete answer to that Question of my hon. Friend. I have now to address a Question on my own account to the hon. Member for Warrington (Mr. Rylands) as to a Notice standing on the Paper in his name for to-morrow, which discusses the general system of diplomatic negotiations, and affirms the desirableness that all treaty engagements should be laid on the Table of both Houses of Parliament before being ratified, with a view to the cognizance by Parliament of negotiations before they are brought to a conclusion. To-morrow will not be a convenient day for bringing forward this subject. My hon. Friend kindly acceded to a request on a former occasion that he would postpone his Motion on general grounds; and there is now a specific ground for a further postponement, because Papers which will be laid on the Table to-morrow and will be in the hands of Members on Monday will, I think, throw some light—not directly, but still some real light—on the subject of his Motion.

MR. RYLANDS: I must express my regret that, for the second time, I have been asked to postpone my Motion, which, I think, is one of very considerable interest, and which it certainly appears to me derives very considerable illustration from recent events. And I regret it all the more, because I fear that, the Session being so far advanced, I shall probably not have another opportunity this year of bringing my Motion forward. However, under the circumstances stated by the right hon. Gentleman, and as I do not wish in any way to embarrass Her Majesty's Government, I agree to postpone the Motion.

MR. CORRANCE: The right hon. Gentleman has not answered the latter part of my Question. ["Order!"]

SIR HENRY SELWIN-IBBETSON: I wish to put to the right hon. Gentleman at the head of the Government a Question of which I have given him private Notice—and I regret that that Notice should have been so short; but the incidents affecting the subject to which the Question relates change so rapidly, while they are of such great public interest, that it is exceedingly difficult to anticipate the course of events. I desire to ask the right hon. Gentleman whether he can inform the House whether the statements which have appeared

in the public journals to the effect that Mr. Fish has declined to concur in the application for the adjournment of the Arbitration at Geneva and that the American Ministers have dispersed from Washington, are correct? I also wish to know whether the right hon. Gentleman is prepared to assure the House that, in accordance with the Letter of Lord Granville, no application for adjournment will be made except on the joint application of the two Governments?

MR. GLADSTONE: I presume the Question of the hon. Baronet refers to the statement in one of the newspapers of to-day—I believe in *The Daily News*—which purports to be from their New York correspondent. That statement, as reported, is in reality an abridgment from the last communication which has passed from Lord Granville to General Schenck, the Minister of the United States. But, without saying more than that on its general tenour, I would observe that there is an important error in the latter portion of the statement—in, I think, the last line but two—and that error consists in the omission of the word “not.” As hon. Gentlemen will see, that error has a very important bearing on the meaning of the communication. Having said that, I will now say more specifically with respect to the Question of the hon. Gentleman—as to the concurrence of the American Government in any application for an adjournment—it is true the American Government have declined to be a party to a joint application for adjournment. And in stating that I do not think I should be doing justice to the American Government—though there is a certain amount of inconvenience in referring to Papers which are not yet on the Table—if I did not add that they have likewise pointed out the reasons for declining to be a party to any such application. That reason is that the American Government has had for its object from the first—though they have consented to deviate from their line of action on certain conditions—nothing in the world but the bringing before the Arbitrators everything there is now in the Cases. Consequently, it appears to them that they are not the parties to put any obstacle by any action of their own in the way of proceeding before the Arbitrators by a joint application. With respect to

the American Ministers having dispersed from Washington, I have nothing to say, because I am not aware that we have received any information except with regard to Mr. Fish. What I understand with regard to Mr. Fish is, that Mr. Fish's health—I am afraid it has not profited by these negotiations, although he does not enjoy the sanitary advantages which we possess of sitting eight or nine hours a day in a Legislative Assembly—has suffered considerably, and it is, I believe, true, that he has retired from Washington to his country house. As to the latter part of the Question, I will only say that I think it must have arisen out of the error in the newspaper to which I have already referred. There is no statement in the Letter of Lord Granville to the effect that no application to the Arbitrators for an adjournment should be made except as a joint application. I am, of course, giving no information in the matter beyond stating that the report does not in this respect give a correct representation of what has actually occurred.

MR. OTWAY: I wish to ask a Question of the Prime Minister, the nature of which I have intimated to him. The subject has been referred to by the hon. Gentleman opposite (Mr. Corrance); but my Question differs from his, inasmuch as it relates to an answer which the right hon. Gentleman has already given in this House. The House is aware that the Treaty of Washington refers to other matters besides the so-called Alabama Claims—namely, the Canadian Fisheries, the San Juan Boundary, and the claims to be made before the Commission lately sitting at Washington. An hon. Member opposite—I think the hon. Member for Sussex—asked the Prime Minister the other day whether, supposing the Arbitration at Geneva were to come to an end, the other three questions, connected as they are with the Treaty of Washington, would come to an end also? The right hon. Gentleman, as I understood him, said, in reply, that, in his opinion, those questions would not necessarily fall with the failure of the Arbitration at Geneva. Now, Sir, I wish to call the attention of the House, very briefly, to this answer in relation to this very grave matter. In the 35th Protocol of the 3rd of May, after setting forth the history of the San Juan difficulty, and, after referring

Sir Henry Selwin-Ibbetson

to the fact that the United States had on so many occasions refused to submit this question for Arbitration, it is stated that the Commissioners of the United States consented that it should be referred for Arbitration under the following circumstances—"Should the other questions in the Treaty be satisfactorily adjusted." Under these circumstances, and reminding the House of the conditions under which the joint occupation of San Juan is now held, and that the United States Government have declared that they would permit that joint occupation only until the question should have been settled diplomatically, I wish to ask my right hon. Friend whether he is satisfied, supposing the Arbitration at Geneva to come to an end on the 15th—and there can be no doubt in the mind of any man that on the 15th it will come to nought. ["Order!"] If my hon. Friend (Mr. Melly), who is so enthusiastic, will restrain his enthusiasm for a moment he will find that I am perfectly in Order. He has not been very long in the House and is probably not well acquainted with the Rules of Order. Supposing, I say, the Arbitration to come to nought on the 15th, I should like to know from my right hon. Friend, whether he is of opinion that the San Juan Boundary Convention can be maintained; and especially whether he has entered, or is about to enter, into negotiations with the Government of the United States on this subject.

VISCOUNT BURY: Before the right hon. Gentleman answers that Question, I wish to put to him a further Question. We have learnt from the same sources of information as that from which my hon. Friend (Mr. Corrance) derived his intelligence, that if an adjournment is agreed to by the two Governments on the 15th, Lord Granville intends to lay before the Arbitrators the Argument on which he relies, and to accompany it with a document in the nature of a protest to save British rights in regard to the Indirect Claims. We have been told that Mr. Fish has stated in answer that any such document presented to the Arbitrators would be repelled with considerable indignation—and, in fact, would be considered by the American Government as completely putting an end to all negotiations. The question under those circumstances which I wish to ask my right hon. Friend is, whether this in-

formation is correct—that the presentation of such a document as Lord Granville intends to hand in will put an end to all negotiations; and, if so, in what way Lord Granville proposes to save British rights, supposing an adjournment of the Arbitration to be agreed upon?

MR. GLADSTONE: The answer which I gave the other night, and the more specific answer which was given by my noble Friend Lord Granville in the other House, was to the effect that the statement which appeared in the public Press on Tuesday last was substantially correct with respect to the document to which it referred. My noble Friend has no doubt read the papers which have since appeared, and has seen that in the course of the correspondence that document has passed away, and does not exist at this moment for any practical purpose. Another document of a subsequent date has proceeded from the British Government; and, therefore, it would be quite vain for me to go back to the discussion of the prior document, on which no practical issue at present depends—though I think that when the Papers come before the House it may form a most proper subject for any opinion or any judgment which hon. Members may deem fit to pass upon it. That is my answer to my noble Friend (Viscount Bury). As to the Question of my hon. Friend (Mr. Otway) I am bound to say he has propounded a most important matter. It is a question *inter apices juris*, to use a legal expression; but the answer which he supposes me to have given on a former occasion is one which in point of fact I never gave, for I have never been asked to pronounce any opinion in public on the point which he raises. The opinion which I gave the other day referred to a matter totally distinct, and my hon. Friend must, I think, have been misled by some accidental misreport of the words which fell from me on that occasion. I can easily understand how in the case of complicated questions, such as these on which discussions suddenly arise, and are hastily conducted in this House, misapprehensions of this kind may arise. The point presented to me in a distinct manner on a former day was this—whether, according to the belief and judgment of the Government, an adjournment of the proceedings at Geneva would have the result of inter-

cepting the fulfilment of the Treaty in its other and distinct provisions—separable from those involved in the proceedings at Geneva. To that I replied, with some confidence, that, in our judgment, it would produce no such effect. We do not presume to give an authoritative opinion on International Law with regard to hypothetical cases, but our judgment and interpretation is that all the other provisions whatsoever of the Treaty may go forward just as if no such adjournment occurred. That was the purport of the answer which I gave on a former day, I may now add casually that by no proceeding, so far as we are concerned in connection with any portion of the Treaty, nor, so far as we are aware, by any proceeding taken by others, has anything been suspended because of the difficulties which have arisen on that portion of the Case which relates to the *Alabama*. I think that, under the circumstances, Questions so very large and important as those embraced in the remarks of my hon. Friend ought not to be made by me the subject of immediate reply. I may say, perhaps, that the Government have an opinion on the subject; but my hon. Friend will see that I have not given the answer, or anything akin to the answer, which has suggested his Question. That, I hope, will remove from his mind any belief that there is any occasion for that question. But I am quite aware of the purport of the passages to which he has referred with respect to the arbitration in the case of San Juan, and those passages were in my mind when I gave the answer on a former day with regard to the view which we take of those portions of the Treaty, other than those connected with the *Alabama* Claims.

MR. OTWAY: If I have misrepresented the right hon. Gentleman in any way I regret it. I do not wish to anticipate any statement which the right hon. Gentleman may make at another period; but there is one part of my Question which he has not replied to, and that is, Whether any negotiations or communications have been entered on with the Government of the United States in reference to the San Juan question?

MR. GLADSTONE: I think I have stated already that we have no information at all corresponding with the statement which recently appeared in the

newspapers. We have no information with regard to anything special having occurred.

EDUCATION (SCOTLAND) BILL—[Bill 31.]
(The Lord Advocate, Mr. Secretary Bruce,
Mr. William Edward Forster.)

COMMITTEE. Progress 11th June.

Bill considered in Committee.

(In the Committee.)

V. TEACHERS.

Clause 52 (Teachers in office before the passing of the Act. Teachers appointed after passing of Act).

SIR EDWARD COLEBROOKE moved in page 20, line 6, to omit the words "and every such appointment shall be during the pleasure of the School Board." He contended that under the Bill as it stood the tenure of the schoolmaster would be very precarious, and it was highly desirable to place him, as regarded his position, in a more stable and satisfactory position. The example of the parochial boards told in the same direction. He thought the Committee presided over by his hon. Friend (Mr. Craufurd) had acted wisely in recommending that Inspectors of poor should be independent of the local boards, and he trusted the House would adopt his Amendment, and protect the teachers in a similar manner.

MR. ELLICE said, he did not think that the Lord Advocate properly appreciated the necessity and expediency of securing schoolmasters, once appointed to their situations, against dismissal on light grounds; and he should therefore like the right hon. and learned Lord to make clearer his views upon the subject. How had the House and the Government dealt with analogous matters of even less importance? Take the case of the Inspectors of poor referred to by his hon. Friend: they were appointed by the parochial boards, but when once installed into office they could not be dismissed except by permission of the Board of Supervision in Edinburgh. The same rule ought to apply to the schoolmaster. By what machinery it should be done, it was not for him to say—that lay rather with those in charge of the Bill. He fully shared in the distrust felt by his hon. Friend (Sir Edward Colebrooke) of the working of the local boards with respect to these

Mr. Gladstone

appointments. In all probability, candidates would come forward and underbid each other. Other influences would also be at work, and he really believed, if no check was put upon the capricious dismissal of schoolmasters, it would result in injustice to the schoolmasters themselves, and injury to the progress of education. The popular election of schoolmaster was part of the Bill, and the experiment, however doubtful, must now be tried; but he hoped the Lord Advocate would take the question of the power of dismissal into consideration, and place that power in the hands of some body removed from local influences, and who might be relied upon to give independent and impartial judgments on all cases brought before them.

MR. M'LAREN said, he quite approved of the principle laid down by the hon. Member for St. Andrews (Mr. Ellice), that they should judge this matter by analogous cases; but he thought the analogous cases were strongly against the arguments which had been adduced. Take the case of banking establishments: there was not a clerk in those establishments who was not dismissible by the manager; but when good men were got there was always a desire to keep them. The same rule applied to railways, municipal officials, and partnerships. Take Heriot's Hospital—there the teachers were all appointed at the pleasure of the governors, and not one of them had ever been dismissed. By analogy, there could be no doubt that the people, having a direct interest in the schools, would take care to appoint good teachers, and having once obtained them, they would endeavour to retain their services. His experience showed that it more frequently happened that schoolmasters turned away scholars and parents, than that the latter dispensed with the schoolmasters. He approved of the clause as it stood.

MR. ORR EWING reminded the hon. Member for Edinburgh that the classes of persons to whom he had referred were not under a board of management elected by £4 constituencies, but were under boards of directors elected by shareholders, who generally selected men of position. They should remember, also, that it required considerable attainments to be a schoolmaster, and that that was a Bill for establishing a national system of education. If a clerk failed in one

bank he could go to another, and if he failed in all he could go into a mercantile house—clerks could fill a variety of offices, but a schoolmaster had only one department; and if he should lose his position from the caprice of a school board, he would be ruined for life, for he was not likely to be employed by another board. Why should the Scotch people abandon the good system they had hitherto maintained? To give to local boards the power of electing a schoolmaster for a year, or to turn him off whenever they thought proper—not for any fault of his own, but because he belonged to the United Presbyterians or to the Free Church, or, what was more likely, because he belonged to the Established Church, the injury to the schoolmaster would be also an injury to the education of the country. He therefore supported the Amendment.

MR. BOUVERIE said, it appeared to be forgotten that an odd vote at an election of managers might make all the difference in the treatment of the schoolmaster, and whether a man should be turned out or not. What was required was a check against arbitrary and capricious power. He believed there was no axiom more true than that which said that all power was sure to be abused; and to that he would add, that the more insignificant the body that exercised the power, and the less it was subject to public opinion and to freedom of discussion, the more likely would it be to abuse such power as it possessed. He would suggest to the Lord Advocate to retain this proposal that the appointment of schoolmasters should be at the pleasure of the local boards, but to insert a provision making the approval of the Education Board necessary to the dismissal of a schoolmaster by any school board. Such power was at present vested in the central department in reference to the discharge of Poor Law officers in England, and in practice the system had been found to work well and fairly to all parties. The existing schoolmasters were equally worth regarding. Taking them all round, a more efficient set of men could not be found, and their present tenure was almost freehold. A schoolmaster's whole energies were wanted for the instruction of the children under his care, and his mind should not be turned to think how to secure his election under a new board, or how to

prevent his dismissal if he too severely chastised a boy in his school. Moreover, in many of the country districts in Scotland the whole power under this Bill would pass into the hands of the laird or the great landed proprietor. He therefore considered the Amendment touched one of the most important points in the whole Bill, and he hoped the right hon. and learned Gentleman the Lord Advocate would see his way to accepting it.

Amendment proposed,

At the end of the Clause, to add the words "Provided, That no principal teacher shall be dismissed without the consent of the Scotch Education Department."—(*Mr. Bouverie.*)

Question proposed, "That those words be there added."

THE LORD ADVOCATE said, that part of the Bill had received the most careful and anxious consideration from the Government. It was impossible to doubt that there would be advantages in giving a schoolmaster a life-tenure of his office; but it was just as impossible to doubt that there were corresponding disadvantages—and in Scotland he thought the disadvantages would largely preponderate. Indeed, there were many cases in which the rule of life-tenure had acted prejudicially in parishes in Scotland. The hon. Member for Lanarkshire (Sir Edward Colebrooke), who brought forward this Amendment, did not seem to approve of life-tenure any more than he (the Lord Advocate) did, but had only suggested that dismissal should not be at the pleasure of the local board. After the best consideration which the Government had been able to give to the matter, they had not been able to see any satisfactory means between the two extremes of holding office during pleasure and conferring a freehold. The right hon. Member for Kilmarnock, indeed, had suggested that there should be some check against the arbitrary or capricious exercise of power on the part of school boards, and that expedient had occurred to him (the Lord Advocate), but his right hon. Friend the Vice President (Mr. W. E. Forster) had convinced him that a Government Department could not satisfactorily interfere between a school board and its teachers. They must hold the school board responsible for the due conduct of their schools, for the appointment of

Mr. Bouverie

proper teachers, and for not retaining teachers in whom they had no confidence. and they could not, consistently with the interests of the public service, interfere to compel a school board to retain teachers in whom they had ceased to have confidence. He did not think it likely that these boards would act in an arbitrary and capricious manner. His apprehensions were rather in a contrary direction. It was the custom of boards not to act harshly towards individuals, or to mar their prospects in this world. Experience showed that they rather shrank from performing their duty in cases where it was clear they ought to dismiss an unprofitable servant, and that the public service was apt to suffer from an unfit person being retained rather than that a fit person should be improperly dismissed. On the whole, he thought the interests of education would best be promoted by the boards being left without interference from without. They could hardly be held responsible if the teachers were to be independent of them, while to give the masters a right to appeal would hardly tend to the smooth working of the system. The other cases which had been referred to he thought were hardly analogous. He could not see any means of complying with the suggestion of the right hon. Member for Kilmarnock, and must equally oppose the Amendment of his hon. Friend the Member for Lanarkshire.

MR. ELLICE said, he trusted that the Lord Advocate would accept the suggestion of the right hon. Gentleman the Member for Kilmarnock. All that he wanted was that, upon the master's dismissal by the board, he should have the power of appeal to the Education Department—and if the Education Department were not going to undertake any such duties, he wished to know what the board was for?

SIR EDWARD COLEBROOKE said, that his views and those of his right hon. Friend the Member for Kilmarnock were identical, and therefore he would withdraw his Amendment in favour of the proposition of his right hon. Friend.

MR. C. DALRYMPLE said, it was curious to observe how the English Bill was quoted as a precedent in some cases, and was pronounced to be wholly inappropriate in others. The Lord Advocate said that there was no such modification introduced in the English Act

as that now before the Committee; but it should be recollected that in England there was not a universal system of school boards as was proposed for Scotland, and also that some discrimination was used as to the places which were fit to elect school boards; while in Scotland school boards were to be universal, and in many cases they would be elected where suitable materials were wanting. He thought of all evils, one only excepted, this supreme power of the local boards over the schoolmasters was likely to be the greatest, and he (Mr. C. Dalrymple) could not help feeling the want of a Board of Education in Scotland, because the power of appeal might then be given to a central Board sitting in Edinburgh. He felt that some security should be given that these local boards should not act in an arbitrary manner, because, if they did so, the independence of the schoolmaster would be sacrificed.

MR. CARNEGIE said, he could not agree with the hon. Member, for he thought that if any appeal was granted at all, it should be to the Privy Council, and not to a Board sitting in Edinburgh. The Committee, however, had not only to consider the interests of the schoolmaster, but also of the children who were taught. The hon. Member for Dumbarton (Mr. Orr Ewing) had very justly remarked that peculiar qualifications were necessary for a schoolmaster, of which aptness for teaching was one. If, however, the power of dismissal was taken away from the local board, a man might be appointed a schoolmaster who, although very clever, might have no aptitude for teaching. The result would be that the board and the schoolmaster would always be fighting against each other. If there was to be any injustice done, he would sooner that it was done to the schoolmaster than to the children.

MR. CRAUFURD said, he wished to point out that by previous Acts the office of schoolmaster, except in parochial schools, was to be held at pleasure; and he thought it an omission in the present Bill that a clause was not introduced providing that a recalcitrant schoolmaster should be removed at the will of the school board. He hoped the Committee would adhere to the clause.

Amendment, by leave, *withdrawn*.

MR. BOUVERIE said, that as far as he knew, all experience was in favour of some check against the use of arbitrary power; he was, therefore, anxious to secure fair treatment for the schoolmasters by the local boards. All that had been said about the English boards did not hit the point, and he should look with terror on a proposal to give school boards in rural districts in England this power, for it would simply amount to handing the schoolmaster over to the squire and the parson. With a view, then, to gain the desired end, he would move to insert at the end of the clause the following words—

“Provided no schoolmaster can be dismissed except with the sanction of the Scotch Education Department.”

MR. W. E. FORSTER thought, in the interests of education, that the right hon. and learned Lord Advocate was perfectly right in the course he had taken on this occasion. The question was whether it was advantageous to education that there should be an appeal in these cases from the local boards to any other body; and from the experience he had gained both from the working of the English Education Act and from a study of education, he could not but decide that it was not advantageous—because, in the first place, they made the local boards responsible, which they could not be if they had not the power to elect and dismiss their own officers; and, in the second place, because it was most important that the master should feel that his position depended upon his merits as shown by results. The result of the passing of the Amendment would be that in every single case where the schoolmaster incurred danger of dismissal he would appeal to the central Board; and they could not make themselves a judge in the matter without incurring great expense, because an inquiry would have to be made, and without interfering in such a manner as no local body would endure. If the Amendment was passed for the protection of the schoolmaster, a power would have to be given to the central Board for the protection of the children, and they would have to be empowered to insist on the dismissal of a schoolmaster where they thought it necessary. In fact, such an arrangement would entirely do away with the responsibility of the local

board, which was the main principle of the Bill. It seemed absurd that they could not place the same confidence in the Scotch people with reference to education as they had reposed in the people of England.

MR. GORDON said, that the whole tenor of this Bill was not to leave a single shred of the old Scotch system in existence, but to put the educational system of Scotland on the same platform as the English system. By the Act of 1870 they placed in the hands of school boards the appointment of schoolmasters, and they continued the principle applicable to denominational schools—namely, that the schoolmasters would hold their office at the discretion of the managers. But what was the experience of the working of that Act of 1870? Was not the Motion of the hon. Member for Birmingham (Mr. Dixon), a month or two ago, opposed by the Vice President of the Committee of Council on Education, on the ground that they had not yet had experience of the working of that Act? He ventured to say that there had been no opportunity of trying it, for a month ago only about 200 or 300 school boards had been constituted—so that there had not been time to speak as to the experience of the working of the school boards. But in Scotland they had long had the working of the system of fixity of tenure, which he admitted was perhaps carried too far, inasmuch as there was a difficulty in removing the incompetent or inefficient schoolmaster. It was not, however, necessary that that difficulty should be continued. On the contrary, he had himself given Notice of a new clause repealing the Parochial Schoolmasters' Act of 1861, and giving the Board of Education ample power to get rid of an incompetent or inefficient teacher. There were attached to the schools of Scotland a large number of intelligent teachers who had studied at the Scotch Universities, and they had a very efficient class of teachers coming forward and offering themselves for schools. In 1872, when the question of an Education Bill was under consideration, he (Mr. Gordon) was in communication with the teachers, and from one and all of them he had this representation made—that if they were left to the mercy of local boards, there would not be that ample supply of good teachers which had been the cause and reason of

Mr. W. E. Forster

the excellence of the Scotch schools, because just as the schoolmaster was, so would be the schools. He submitted, therefore, that the proposition of the right hon. Gentleman the Member for Kilmarnock was a right proposition. But the Vice President of the Committee of Council said they were putting too much upon the Scotch Department of Privy Council. But they did not want to have the powers vested in the Privy Council of regulating such matters as this. They were quite willing to leave in the hands of the Privy Council the administration of money voted by Parliament, but they wanted a Scotch Board to regulate these things, because it was felt that the Privy Council would be unwilling to undertake such duties as this. That was just one of the great difficulties they had in accepting an English Board of Management as regarded the schools; and the right hon. Gentleman himself, in 1869, when arguing for the appointment of a Board in Scotland, said it would be extremely inconvenient to administer two systems in the same office. He thought they would find it so, and that the Scotch schools would be brought down to the level of the simple elementary education which prevailed in England, so that they would get a very much inferior education to what they now had.

MR. FORDYCE said, he thanked the Lord Advocate for having refused to accept these Amendments. He (Mr. Fordyce) had had a little experience in the management of schools in Aberdeenshire, where the present system had reached its highest perfection, and if they wanted an Education Bill there at all, it was only to assist them in getting rid of inefficient parish schoolmasters. It had been found that men who became parish schoolmasters, after a certain time became inefficient, and it was impossible to get rid of them. There could not be a greater curse to the community than that state of things.

MR. ANDERSON said, that the right hon. Gentleman who moved the Amendment and the hon. Member for Bute (Mr. Dalrymple) argued that the English Act was no analogy in this case, because under that Bill there were only school boards in populous places, where they would work well, and not in the less educated country parishes; but the right hon. Gentleman did not confine

his Amendment to the rural districts, but would punish those large populous places, and lower their status, by depriving them of their control over the teachers for the sake of a few country boards which, he thought, would not be sufficiently educated to elect proper teachers. That was a mere suppositious case, too, for they had no reason to believe that there would be any such difficulty about local boards; indeed, he believed the best men in the parish would be elected. He did not share in that sympathy for the teachers which so many hon. Members professed, for it did not appear to him to be needed. He thought the demand for schoolmasters would be so extended by the Bill that the schoolmasters would have command of the field.

LORD HENRY SCOTT thought the Committee had already made a great mistake in not having a Scotch Education Department, which would manage this business in Scotland. It would be most unwise to commit the arbitrary power of dismissal to an elected body like the school board, and he did not think the board was a body which would obtain the confidence of the teachers themselves. If the Amendment were pressed to a division, he should vote on it.

MR. ELLICE suggested an alternative Amendment, providing that the dismissal of a schoolmaster should be reported to the Education Department, and confirmed by them after being reported upon by the Inspectors.

Question put.

The Committee divided: — Ayes 42; Noes 84: Majority 42.

MR. M'LAREN moved, to add to the end of the clause the words—

"Provided, That it shall not be lawful for any teacher of a public school, appointed after the passing of this Act, to accept of any other office or perform any other duties for which he shall receive a salary or other emoluments, unless the consent of the School Board shall have been previously given by a minute duly entered in their minute-book, and agreed to at a meeting of the Board specially called for that purpose, of which due notice has been given; and all School Boards shall have regard to this restriction in fixing the salaries to be paid to all teachers of public schools who may be appointed after the passing of this Act."

Question proposed, "That those words be there added."

THE LORD ADVOCATE said, he should have no objection to the Amendment, provided the latter part of it was omitted.

DR. LYON PLAYFAIR said, they had been told over and over again while discussing this Bill that they ought to follow the English Bill. Now, he failed to discover any such enactment as this in the English Act, and he wished to know why the teachers of Scotland were to be put in a worse position than those of England.

MR. M'LAREN said, this was not a theoretic proposition, and the absolute necessity for some such clause had been shown by long practical experience in Scotland. He knew cases where schoolmasters had also been poor-rate collectors, inspectors, agents, &c. His object by proposing this clause was to make the teacher dependent upon his profession and love that profession.

MR. ORR-EWING asked what was the use of the Amendment of the hon. Member for Edinburgh? The local boards would be the best judges of what was best in this matter.

MR. M'LAGAN thought the Amendment was quite superfluous, because the whole power in the matter lay in the hands of the board.

MR. CRAUFURD said, the clause did not forbid the schoolmasters altogether from taking employment, but it would place in the hands of the school boards the supreme control in the matter, so that they would grant permission to the master to accept other employment only in exceptional circumstances—for instance, they probably would not object to masters teaching heritors' children or other duties which did not interfere with their regular work.

MR. C. DALRYMPLE remarked that the hon. Member for Edinburgh said his object was to make teachers love their profession, and his plan was to prevent them eking out the scanty income which the school boards would allow them. He should oppose the Amendment.

THE LORD ADVOCATE admitted that masters ought not to accept other appointments without the consent of the board, but thought the Amendment scarcely necessary. He suggested the omission from it of the words "or perform any other duties."

MR. M'LAREN said, he would accept the alterations proposed by the Lord Advocate.

Words *struck out*.

Amendment, as amended, put, and *agreed to*.

MR. M'LAGAN moved to add at end of clause—

" Provided always, That the amounts of annual Parliamentary grants received in respect of any school in any parish or burgh shall be paid in full to the teachers of such school in such proportions as the school boards may determine."

He moved the Amendment to give hon. Members from Scotland an opportunity of expressing their opinions on the question. It had been decided that the masters should not get the fees earned by them, and that there should not be either maximum or minimum salaries fixed, and therefore he thought there was a great force of justice in giving the masters the Parliamentary grants.

THE LORD ADVOCATE opposed the Amendment, on the ground that the question raised in it had been already amply discussed and substantially decided.

MR. ORR EWING disputed the statement that there had been any decision, nor had the question been fully discussed. At present, grants went direct to teachers, and he did not see why the boards should be made the medium of giving these grants. It might be an economical mode of administration, but he did not think it would be an advantageous one. He should support the Amendment.

MR. MACFIE supported the Amendment, which he thought would be a stimulus to the energies of the teachers.

Amendment, by leave, *withdrawn*.

Clause, as amended, *agreed to*.

Clause 53 *agreed to*.

Clause 54 (Examinations of teachers).

MR. GORDON moved, at end of clause, to insert—

" Provided that for three years after the passing of this Act, it shall be lawful for the Scotch Education Department to grant certificates of competency without examination to teachers holding office in existing schools, who are upwards of 35 years of age, according to such conditions as may from time to time be fixed by the Department."

THE LORD ADVOCATE opposed this Amendment, on the ground that this was a matter for the Code.

Amendment *negatived*.

Clause *agreed to*.

Clause 55 (Certificates) *agreed to*.

Clause 56 (University degrees, &c.)

MR. GORDON moved, in page 20, line 38, to leave out from the beginning to "candidate," in line 42, and insert—

" Within six months after the passing of this Act there shall be constituted a Board for granting special certificates of competency to teach the higher branches in public schools: this Board shall consist of seven members, of whom one shall be nominated by the University Court of each of the four Scottish Universities, one by the Educational Institute of Scotland, and the remaining two by the Scotch Education Department; the members of the Board shall hold office for three years, and shall be eligible for re-election; and this Board shall have power, subject to the approval of the said Department, to draw up regulations for the examination of candidates, to establish two or more grades of certificate, and to conduct such examinations at such times and places as may be approved of by the said Department; and if any candidate shall produce evidence that he has passed satisfactorily in any subject or subjects a public University examination."

The University which he represented felt strongly on this matter, for this Bill was not like the English Act—a measure simply relating to elementary education. The standard of qualification was becoming lower every year, and had been adjusted to meet the bare requirements of the Code. He thought that the standard which had hitherto been maintained in Scotland should be continued, and that it should not be left to local boards to fix the standard of education in the higher branches. He submitted that his scheme would answer the purpose he proposed.

THE LORD ADVOCATE thought the Amendment only applicable to higher-class public schools.

MR. GORDON said, he meant to apply only to those which professed to teach the higher subjects.

THE LORD ADVOCATE said, the Amendment would then apply to all public schools in which any other than elementary instruction was given. In that view it was wholly inconsistent with the clauses which had already been passed by the Committee. By those clauses a complete Code has been provided. It had not been found necessary to have such a board in England, and why should there be one in Scotland?

It was impossible for the Government to assent to the Amendment.

DR. LYON PLAYFAIR supported the Amendment as practically a retention of the existing system, teachers being now examined by University examiners, and the Treasury meeting the cost of this. There was a comparatively low general standard, though higher than that of the Privy Council, but if the electors wished higher subjects to be taught the candidate was examined therein. Local boards would not be trusted by the Bill to examine elementary teachers, and, *à fortiori*, they ought not to be entrusted with the examination of teachers of the highest secondary instruction.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided*:—Ayes 71; Noes 56: Majority 15.

Clause *agreed to*.

Clause 57 (Removal of teachers appointed before passing of Act).

MR. M'LAGAN moved, in line 15, page 21, after "inspectors," to insert—

"Acting for the district in which the school is situated, and concurred in, after a separate inspection, by another of Her Majesty's inspectors appointed by the Board of Education, on the application of the schoolmaster, provided he shall make such application within fourteen days after intimation to him of the certificate of approval by the inspector of the district."

Amendment *agreed to*.

Clause, as amended, *agreed to*.

Clause 58 (Retiring allowances).

MR. GORDON moved an Amendment defining 15 years as the minimum of service entitling to a pension, and two-thirds of the salary and emoluments as the maximum of pension.

THE LORD ADVOCATE pointed out that, in common with all extraordinary charges, the retiring allowances of teachers must be paid exclusively out of the local rates, and it was therefore a matter in which the ratepayers of Scotland were particularly interested. He quite agreed that it was for the public advantage that teachers should be allowed to resign; but the best persons to decide on its advisability in particular cases were the elected representatives of the ratepayers. He objected to the Amendment as making it compulsory upon the boards in every instance to pay a fixed retiring

allowance, whereas the option should be left to the ratepayers.

MR. C. DALRYMPLE supported the Amendment.

Amendment *negatived*.

MR. M'LAGAN moved an Amendment allowing a teacher appointed at least 25 years before the passing of the Act to retire on two-thirds of his salary.

THE LORD ADVOCATE said, he could not assent to giving such a right to teachers. In many, and perhaps most cases, it would be a wise and kindly act for school boards to allow aged teachers to retire on a moderate allowance; but the clause as it stood allowed them to do so. He objected to making it a statutory obligation upon the ratepayers to provide one.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Clause 59 (Higher class public schools.—Burgh).

DR. LYON PLAYFAIR proposed an Amendment providing that a University degree with practice in teaching should be essential as a qualification for the office of principal teacher in such schools, or that the examinations to be passed shall be such as may be determined by the Scotch Education Department.

THE LORD ADVOCATE said, that with every disposition to favourably consider any Amendment proposed by his hon. Friend, he could not accede to the present proposal. The belief that the school boards had no power in determining the qualification of teachers in the lower class schools, whilst the power was given to them in respect of the higher schools, was not correct. The Scotch Education Department would fix the standard up to which, at least, the teachers must come in order to entitle them to receive the Government grant; but the boards could themselves fix a higher standard in the elementary schools if they desired. The higher class schools did not participate in the Government grant at all, and they might be safely left their present management. The examiners to be provided for the teachers of these schools by the school boards must be professors in a Scotch University, or teachers of distinction in a higher class public school. It was not thought advisable that the Privy

Council should interfere with schools which did not participate in the Parliamentary grant.

DR. LYON PLAYFAIR thought what the Lord Advocate said was scarcely correct, and that little favourable consideration was given to the Amendments which were proposed. By Clause 54, the Scotch Education Department was to fix the standard for the elementary schools, yet the standard for the higher schools—the Etons and Harrows of Scotland—was to be left to the school boards. [“No, no!”] That was his reading of the Bill, and was the reading of everyone else whom he had consulted. He should like to know whether this Scotch Education Department, which they had inserted in the Bill, was a reality or a myth? If it was a reality, surely it would do something to keep up the character of the education of Scotland, and would grant this small boon. At all events, unless they found that this Scotch Department was something more than the Government thought it was, in his opinion it would be better to strike it out of the Bill altogether.

MR. W. E. FORSTER said, he had looked at this Amendment with every disposition to adopt it if possible, but could not do so, because it introduced a new principle. Hitherto the Education Department had confined itself to fixing the standard for elementary schools, but if this Amendment were adopted, it would mean that they should be responsible for the standard of higher education. He was not now, however, prepared to go to that extent, though he did not say a time might not come when they might consider it advisable to do so not only in Scotland, but in England as well.

SIR EDWARD COLEBROOKE said, that all the Amendment asked was, that the Legislature should take the same precautions as regarded the higher and middle class education of Scotland that it proposed in the Bill to do for the lower class.

MR. CRAUFURD said, he was afraid the effect of the Amendment would be to do that which would prove detrimental to the interests of higher education; for it would introduce the new principle of the Department interfering with those schools, to which they did not contribute.

The Lord Advocate

MR. C. S. PARKER said, it seemed to him that the time had come when they must demand some explanation from Her Majesty's Government. It did not seem that the language of the Vice President of the Council was consistent with that of the Lord Advocate's, for in introducing the Bill, the Lord Advocate spoke of it as having the great merit of dealing with the higher education of Scotland, and that recommended the measure very favourably in Scotland; but they now heard the Vice President of the Council declare that his Department was so steeped in the lower education, that he declined to take any responsibility as to the higher education. If that was to be so, it was a question whether they had not better leave the high class schools out of the Bill altogether, rather than deal with them in this unsatisfactory manner.

MR. DALGLISH trusted the Committee would leave this question entirely in the hands of the school boards. So far as he was acquainted with education in Glasgow, it appeared to him that probably within a very short time the dead languages might be obliged to give way to the living, and German and French become more important than Latin and Greek.

Amendment negatived.

MR. GRAHAM moved, in page 22, line 17, after “provision,” to insert—

“But any person who at the time of the passing of this Act, being a master in a higher class school, as specified in Schedule (C), is a member of council of any of the Universities of Scotland shall be deemed to be the holder of a certificate of competency for the office of teacher in any of the said higher class schools.”

Amendment agreed to; words inserted accordingly.

MR. GORDON moved to omit sub-section 4.

THE LORD ADVOCATE opposed the Amendment, on the ground that the sub-section was a most useful one, as it provided that in certain cases the school boards might encourage higher education by relieving the teachers from the necessity of descending to the drudgery of teaching the lowest elements of knowledge, and otherwise to provide sufficient school accommodation for elementary instruction in reading, writing, and arithmetic. He had to remind the hon. Member for Perthshire (Mr. C. S.

Parker), in answer to his appeal, that both in moving for leave to introduce the Bill, and in moving its second reading, he had expressed his regret that he could not give any pecuniary aid to higher class schools.

Amendment negatived.

MR. M'LAREN moved the omission of sub-section 5, which provides with respect to higher class public or burgh schools that the fees to be paid shall be fixed from time to time, but at intervals of not less than three years, by the principal and the ordinary teachers, with the approval of the school board, and if they do not agree that their difference shall be referred to a person or persons to be named by the Lord Advocate, whose decision shall be final for three years. He said these schools were intended for the lower middle class, who ought not to be left at the mercy of the teachers in the matter of fees, particularly as part of the cost of the education was defrayed by endowment. Moreover, he could not see why the Lord Advocate should have power to interfere in the school arrangements, when the Government did not intend to give any money to the higher public schools.

Amendment proposed, in page 22, line 41, to leave out from the words "The fees to be paid," to the words "three years," in page 23, line 5. — (Mr. M'Laren.)

Question proposed, "That the words proposed to be left out stand part of the Clause."

THE LORD ADVOCATE said, there was a suspicion that town councils had been disposed to fix the fees too low; and, as a matter of fact, the fees were remarkably low. It was, therefore, not unreasonable that teachers should have a voice in the matter, because their interests were identified with those of the public. With respect to the interference of the Lord Advocate in school arrangements, all he would do was to appoint a referee in the event of the teachers and the boards not being able to come to an arrangement about the amount of fees, and, for himself, he should be glad if the matter could be referred to any other authority.

MR. M'LAREN replied that it had been said local boards would do everything that was right and proper, and

that there could be no better tribunal; but, when a practical test was applied, it was said they could not be trusted, and that the teachers must have an equal voice with them.

Question put.

The Committee *divided*:—Ayes 166; Noes 120: Majority 46.

MR. BOUVERIE proposed to add words which would give power to the Loan Commissioners to advance money to improve public school houses.

MR. W. E. FORSTER said, that this question rather concerned the Chancellor of the Exchequer than the Education Department. He would not object to the insertion of the words, but it was possible they might have to reconsider them on the Report.

Amendment agreed to; words inserted accordingly.

Clause, as amended, *agreed to.*

Clause 60 (Higher class public schools.—Parish) *agreed to.*

Clause 61 (Funds) *agreed to.*

VI. MISCELLANEOUS—INSPECTION—CONSCIENCE CLAUSE—COMPULSION, &c.

Clause 62 (Evidence of Orders, &c. of Education Department) *agreed to.*

Clause 63 (Inspection) *agreed to.*

Clause 64 (Parliamentary grant).

MR. TREVELYAN, in moving in page 24, line 22, after "situated," to insert—

"But to the extent only of two-thirds of the grant which would be made to a public school according to the rates and under the conditions aforesaid,"

said, that Scotland was not at present under the Revised Code, but under the system by which money was given in augmentation of the salaries of schoolmasters and in aid of pupil-teachers. Under that System, Scotland now obtained £100,000 a-year; but as soon as the Bill should become law, Scotland would be brought under the Revised Code, and would get a large increase from the purse of the nation. When the Prime Minister announced, with regard to the English Bill, that an increase would be made in the Parliamentary grant, the ground of that increase was stated to be in order that denominational schools should not

suffer by competition with the school board schools, but what he (Mr. Trevelyan) wished to see with regard to Scotland was, that while the denominational schools should not be placed in a worse position than that in which they were now, this Bill should not be made the means of bettering their position. Unless some such Amendment as this were agreed to, the Established Church in Scotland would be placed in a very cruel position; for at that moment the parish schools of Scotland were virtually the schools of the Established Church, and they would be placed under school boards, who would be able to turn them into anything they choose—even secular schools—and the Established Church would be placed in a position inferior to that of the Free Church. Moreover, there was no such necessity for giving this grant in Scotland as there was in England, for in England the grant materially aided the passing of the Bill; but the present Bill had been all but passed already, without any such step being taken. He would also point out the fact that the denominationalists in Scotland did not ask for the gift which the right hon. Gentleman seemed inclined to force upon them; but they might depend upon it, that if it were given the taste for such things would assuredly grow. He did not, however, ask for the discontinuance of the grant, but simply that it should not be increased, and he believed that his Amendment would greatly conduce to the good working of the measure.

Amendment proposed,

In page 24, line 22, after the word "situated," to insert the words "but to the extent only of two-thirds of the grant which would be made to a public school, according to the rates and under the conditions aforesaid."—(Mr. Trevelyan.)

Question proposed, "That those words be there inserted."

Mr. COLLINS said, the hon. Member had truly remarked that this was the backbone of the Bill; but he was asking the Committee now to reverse the decision they had come to on the Bill of 1870. He therefore hoped that the Committee would not consent to do for Scotland what they had declined to do for England. Mr. Lyulph Stanley, the late defeated candidate for Oldham, a distinguished member of the Birmingham League, having gone down there against

Mr. Trevelyan

the principle of denominational education, returned from that place quite favourable to that principle. After his three or four days' experience of Lancashire he had come to the opinion that it was not desirable to discourage denominational schools. The hon. Member for the Border Burghs, by his Amendment, did not propose to abolish those denominational schools, but he was taking the dirty course of trying to starve them by degrees.

Mr. DICKINSON thought that there ought to be one national system for every part of the United Kingdom, whereas the Government, by their measures, had succeeded in establishing three, each entirely distinct and separate from the other. It appeared to him that those schools, to be national, should have one system which would meet the requirements of all classes. He should therefore, support the Amendment of his hon. Friend.

THE LORD ADVOCATE said, he felt sure the Amendment was proposed in no unfriendly spirit, and he should have no hesitation in accepting it if he believed it would conduce to the good working of the Bill. He was as much in favour as his hon. Friend of the system of national as distinct from denominational education; and the object of the Bill was to establish a national system in complete harmony with the feelings of the people of Scotland—an object which, notwithstanding many wild words, he felt satisfied it would effect. It provided that aid should be given—

"To all schools which, in the opinion of the Scotch Education Department, efficiently contributed to the education of the parish or borough in which they were situated;"

and if the schools, whether of Roman Catholics, Episcopalians, or any of the other denominations in Scotland, satisfied that requirement by providing a good and sound secular education, why, he should like to know, should they not share in the public money voted by Parliament for the purpose of promoting that education under the conditions under which alone they could obtain that money—namely, by submitting to inspection and to all the restraints of a Conscience Clause securing that the schools should be open to children of all denominations? Believing that the Amendment would not conduce to the

good working of the Bill, he felt it his duty to oppose it.

Question put.

The Committee *divided*:—Ayes 80; Noes 273: Majority 193.

THE LORD ADVOCATE moved to report Progress.

MR. COLLINS said, he hoped the Motion would be withdrawn, and that the Amendment which stood in his name, and which was a corollary of the question just decided, would be agreed to.

Motion, by leave, *withdrawn*.

MR. COLLINS moved to insert in page 24, after line 22, the following words:—

"Provided that such conditions shall not give any preference or advantage to any school on the ground that it is or is not provided by a school board."

MR. M'LAREN objected to the Amendment.

THE LORD ADVOCATE thereupon moved that the Chairman report Progress.

Motion *agreed to*.

House *resumed*.

Committee report Progress; to sit again *To-morrow*, at Two of the clock.

COURT OF CHANCERY (FUNDS) BILL.
(*Mr. Baxter, Mr. Solicitor General, Mr. William Henry Gladstone.*)

[BILL 43.] CONSIDERATION.

Order for Consideration, as amended, read.

Motion made, and Question proposed, "That the Bill be now taken into Consideration."

COLONEL FRENCH moved the re-committal of the Bill, as far as regarded Clause 21, his object being to leave out from the clause the proposal that the Accountant General should retire on two-thirds of his salary, and restore the clause to its original shape, allowing him to retire on his full salary.

Amendment proposed, to leave out from the word "be" to the end of the Question, in order to add the words "re-committed, in respect of Clause 21,"—(*Colonel French*),—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. DICKINSON supported the clause as it stood, contending that the proposed

retiring allowance of two-thirds was ample.

MR. CRAWFORD said, that originally the Bill provided that the Accountant General should retire on his full salary, which he thought was a proper provision; and he believed it would have been maintained if the hon. Member who had just sat down had not taken the House by surprise on the former occasion, when he moved the Amendment that was now embodied in the Bill. Under the circumstances of the case he (*Mr. Crawford*) should support the claim of the present Accountant General, to retire on full pay. Every holder of that office had held it during his life, and therefore he thought the one who at present held it was entitled to what he claimed, and not two-thirds of his salary, as was proposed to be given to him.

MR. HUNT said, it was much more pleasant to argue in favour of giving a gentleman his full salary than in the opposite sense, but that duty compelled him to take the latter course in the present instance. If the Accountant General had a statutory right to get his full salary, of course it was open to him to take it under the statute, but on that point he should like to have the opinion of the Law Officers of the Crown. If *Mr. Russell* was not entitled to his full salary under the statute, then he, for one, objected to his being treated with exceptional favour.

MR. BOUVERIE said, he did not agree with what had been just said. The salary was composed of three parts—£900 a-year as Accountant General, £600 a-year as Master in Chancery, and an allowance of £2,700 in lieu of brokerage on Chancery funds. The other Masters, when their offices were abolished, received as an allowance their full salary. If the brokerage had not been commuted, about the year 1852, this officer would for several years past have received £5,000 or £6,000 a year more than he had. The principal officers of the Court of Bankruptcy, when their offices were abolished in 1869, received their full salary as a pension, and he thought the only way to obtain the consent of the holders of such offices was to deal liberally with them in order to obtain their consent to the desired reform. He hoped, therefore, the House would reconsider its decision.

Mr. GATHORNE HARDY said, that speaking without reference to the gentleman in question, with whom he was entirely unacquainted, he did not think it would be wise in such cases as the present, seeing that the Government were actually going to make profits out of the funds in question, to deal otherwise with the Accountant General than in the most liberal way. He pointed out that the Commissioners in Bankruptcy in Ireland had, in 1867, received their full salaries, and that the Accountant General virtually held his office on the understanding that he was to hold it for life.

SIR JOHN LUBBOCK said, he was of opinion that the Bill as it stood did deal liberally with the officer in question, and remarked that the taxpayers must also be considered in the matter.

Mr. SCLATER - BOOTH said, he hoped that if the Government gave way in this instance the case would not be drawn into a precedent; and suggested that the clause should be so drawn as to convey no statutory right, but so as to leave the responsibility of fixing the amount of pension with the Treasury. This had been the course pursued, after much controversy, in the case of the Commissioners and other officers of the old Court of Bankruptcy.

THE CHANCELLOR OF THE EXCHEQUER said, he trusted that the House would think it consistent with its duty virtually to comply with the Motion now made, as he was perfectly satisfied that by so doing it would act in the direction of the public interest. There was no doubt that the Government were pledged to the Accountant General to do what they could for him, and that if they now insisted upon carrying the Motion, it would have the effect of preventing reforms. They must judge of this matter by the whole of the circumstances. This gentleman had held the office 33 years; he was Master in Chancery, and belonged to a generation now passed away, who were accustomed to receive much larger retiring pensions. All the other Masters in Chancery had retired on full pay, and the Accountant General virtually held the office for his life, and he might reasonably expect to be treated in the same way. All the circumstances taken together entitled him to retire on full salary. In the case of the officers in Bankruptcy, the Lord Chancellor had to

state whether in his opinion they should retire on full pay, and he was quite willing to place this matter on the same footing.

Question put.

The House *divided*:—Ayes 54; Noes 140: Majority 86.

Words *added*.

Main Question, as amended, put, and *agreed to*.

Bill *re-committed*; *considered* in Committee.

(In the Committee.)

Clause 21 (Pension to present Accountant General).

Clause amended as follows:—

"The person who at the passing of this Act is the Accountant General of the Court of Chancery shall, after the commencement of this Act, receive during his life, by way of retiring pension, such amount as the Lord Chancellor shall, with the approval of the Commissioners of the Treasury, deem proper under the special circumstances of the case, provided that such amount shall not exceed the present salary and emoluments of the said office."

Bill *reported*; as amended, *considered*; Amendments made; to be read the third time *To-morrow*, at Two of the clock.

CUSTODY OF INFANTS BILL—[Bill 93.]

(Mr. William Fowler, Mr. Andrew Johnston, Mr. Mundella.)

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(Mr. William Fowler.)

Debate arising.

Motion made, and Question proposed, "That the Debate be now adjourned."—(Mr. James Lowther.)

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at
Two o'clock.

HOUSE OF LORDS,

Friday, 14th June, 1872.

MINUTES.]—PUBLIC BILLS—*First Reading*—
 Limited Owners Improvements * (154).
Report—Kpping Forest * (150).
Third Reading—Gas and Water Orders Confirmation * (101), and passed.

TREATY OF WASHINGTON.
 TRIBUNAL OF ARBITRATION (GENEVA).
 THE SUPPLEMENTAL ARTICLE.

Correspondence respecting Geneva arbitration: *Presented* (by command), and ordered to lie on the Table.—North America (No. 9, 1872).

THE EARL OF MALMESBURY inquired whether the Government had any information to give them in reference to the amended Article which had been proposed by Her Majesty's Government?

EARL GRANVILLE said, that the Papers which he had just laid upon the Table contained the Supplemental Article as amended by the Senate in its correct form.

CRIMINAL LAW — RELEASE OF THE
 WHITEHAVEN RIOTERS—THE LATE
 MR. MURPHY.—MOTION FOR PAPERS.

LORD ORANMORE AND BROWNE moved for copies of Correspondence relative to the release of the prisoners convicted of assault upon the late Mr. Murphy. He had also to ask whether the attention of Her Majesty's Government had been called to the indecent conduct of the Roman Catholic mob at Birmingham on the occasion of the funeral of the late Mr. Murphy. In making his Motion and asking his Question, he must observe that a coldblooded and deliberate murder was not a matter to be regarded lightly. No doubt, Mr. Murphy, who was connected with the Scottish Reformation Society had used language that was quite unjustifiable; but the way in which he had met his death rendered his case of no slight interest, and the crime one by no means to be excused. Mr. Murphy gave his lecture in a private room, where no one need go who did not choose to hear, and he there denounced—in strong language, no doubt—those views from

which he differed. The Government had stated on a former occasion that the police went in ten minutes after the riot began and rescued Mr. Murphy; but that was not done until he had been so much injured that he died in consequence of his injuries. He would be told that the Judge, before whom these rioters were tried, had sanctioned their release, but it was impossible to understand on what grounds, as, in sentencing them, the Judge stated that he had never known a more cowardly and brutal attack of some hundreds on an unarmed man. The Government should also be extremely careful how they dealt in this case, lest it might be supposed that Mr. Murphy, having contributed to the defeat of Mr. Gladstone in Lancashire, might be said to influence them in their conduct. Her Majesty's Government, the other day, in Ireland, very properly sent a considerable body of police to prevent a collision between two priests heading two mobs. They also saw that a Republican lecturer—at the time of the illness of the Prince of Wales—was protected in Glasgow. In fact, they took care to protect their friends, but allowed a Protestant lecturer to be attacked at every place he went by organized mobs, one of which at last murdered him. Recalling the assistance the Conservative party received from the Protestant party in Lancashire at the last Election, he was sorry not to hear one word of reprobation from them on this and other occasions, when he had felt it his duty to bring this matter before the House. What had happened to induce the Government to mitigate the penalty which had been inflicted upon the rioters at Whitehaven? In his opinion there was nothing whatever to justify them in shortening the punishment to which these persons had been condemned—and certainly punishment ought not to be awarded to criminals in accordance with the number of friends they could bring to bear, and there could be no doubt that the release of these men had resulted in immediately renewed violence between the Roman Catholic and Protestant mobs, the former having assembled at the prison gates to give an ovation to these prisoners. He thought that such mal-administration could but bring the Executive into contempt. Besides, it was to be feared that the course which had been adopted by the Government would tend to promote

violent encounters between parties who held opposite and extreme opinions.

Moved that an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to lay before this House all correspondence relative to the release of prisoners convicted of assault on the late Mr. Murphy, whether between the Roman Catholic chaplain of the jail in which such prisoners were confined, or with the visiting or other magistrates of the county or borough in which the conviction of the said prisoners took place, or with the Judge before whom the said prisoners were tried, and Her Majesty's Government.—(*The Lord Oranmore and Browne.*)

THE EARL OF MORLEY said, that with regard to the riot at Birmingham, referred to by the noble Lord, the attention of the Home Secretary had not been called to it, nor was there any Correspondence in the Home Office relative to that riot. As to the first part of the noble Lord's Motion, he did not feel it necessary to vindicate his right hon. Friend the Home Secretary from the charges the noble Lord had insinuated against him; though he must say that the suggestion that the exercise of the Royal Prerogative of mercy was ever exercised with a view to religious or political influences was not to be justified. Neither did he mean to say a word as to the motives which had influenced the late Mr. Murphy or as to the mode in which he lectured. He did not wish to throw doubt on his conscientiousness and sincerity, however great his doubts might be as to the soundness of the judgment exhibited by Mr. Murphy in going about delivering such lectures as those which he had been in the habit of advertising. The facts were these—Mr. Murphy had advertised to deliver a lecture at a hall at Whitehaven. Some persons opposed to Mr. Murphy's views attempted to enter the hall; Mr. Murphy opposed their entrance—a scuffle ensued, in the course of which Mr. Murphy was hustled and injured. He afterwards died. Of the seven persons tried for the attack, five were sentenced to 12 months', and two to three months' imprisonment. After the former had been in gaol for nine months a memorial for the remission of the remainder of their sentence was addressed to the Home Secretary. Among the memorialists were seven magistrates, four members of the municipal body, and two clergymen. Before acting on that memorial his right hon. Friend took the opinion of the learned Judge who had

Lord Oranmore and Browne

tried the case (the Lord Chief Baron), and this was his answer—

"I have very carefully considered the case of Dennis Doyle and others, convicted at the Carlisle Summer Assizes of last year of a riot and assault upon the late Mr. Murphy. There was much provocation, and the prisoners had all borne irreproachable characters, and though there was evidence that three or four of them took part personally in dragging about and inflicting some degree of injury upon Murphy, it certainly did not appear that they had assisted in the attempt to throw him over the bannisters, from which he had received the several hurts to which he had been subjected, and, considering upon the whole that the religious feelings of the prisoners were put to a hard test, and may be said to have been outraged by the perseverance of Mr. Murphy in publicly denouncing the observances and the practices of Roman Catholics, and that the agitation caused by these contentions and conflicts has now subsided, I would venture to observe that Her Majesty might well be advised to remit the sentence pronounced as to the yet remaining portion of the term of imprisonment."

In another letter to Mr. Bruce, Sir FitzRoy Kelly said—

"You are quite welcome to read my letters, and to add that I am quite convinced that none of the prisoners lately released intended to do more than prevent Mr. Murphy from lecturing."

What had been done in this case was in accordance with the precedents of the Home Office, but it would be wholly without precedent to produce the Papers moved for by the noble Lord.

THE EARL OF HARROWBY, while bearing testimony to the scrupulous sense of honour which actuated the Home Secretary in the discharge of the duties of his office, must venture to question his discretion in this case. The release of these prisoners seemed to him to have been exceedingly unwise—the Secretary of State had overstepped his discretion in exercising the mercy of the Crown immediately upon the death of the person for assaulting and injuring whom these persons had been convicted. It was no excuse that the men were of excellent character. Wherever Murphy appeared to deliver his lectures a mob was organized for the purpose of putting him down. Was that to be the system under which we were to live? He thought not; he thought we were bound to allow men to deliver their opinions on religious questions. This was a very serious matter, and involved a very important principle. On several occasions it had happened that in a town where Murphy advertised to deliver a lecture some Roman Catholics

went before the magistrates and swore that disturbances were likely to occur if the lecture was permitted, and the magistrates had thereon prohibited the lecture. This he condemned; it seemed very like saying—Only threaten a riot and we will put these lectures down. But we ought to teach those individuals who were ready to take the law into their own hands to exercise some discretion, and make them learn the lesson of being tolerant of the opinions of others. This state of matters should not be permitted to continue. On these grounds, he thought it had been extremely unwise of the Secretary of State to release these men.

LORD COLCHESTER said, he must join with the two noble Lords who had expressed regret that the Home Secretary should have seen fit to modify the full sentence of the law in this case. He did not wish to raise the question in any sectarian spirit, or to charge the Secretary of State with religious or political partiality, but he did regard his course as one prejudicial in regard to public policy. In some countries it was thought right to regulate and confine all public discussion within very strict legal limits—in others it was allowed full freedom by law; but if it were tolerated in its use, it was impossible to prevent its occasional abuse also, and still less could individuals be allowed by lawless force to exercise a restraint which the law declined to exercise for itself. He wished to speak of Mr. Murphy as he should of a person of any other opinions who assailed any other sect or party, and he urged that if the attack which caused his death were treated as venial, it was an authorization to any person to judge for himself what latitude of speech might be allowed to his opponents, and if he deemed them to have exceeded it to assail their lives. Mr. Murphy was not the only lecturer who was very offensive to the feelings of many of the community. There were the lectures of Sir Charles Dilke—there was, above all, Mr. Charles Bradlaugh, whose effusions—which Mr. Murphy's did not—bordered on high treason. But those whom these lecturers displeased belonged mainly to the orderly part of society who would deprecate the thought of similar violence; and why should their feelings be entitled to less respect than those of Mr. Murphy's enemies?

On Question? *Resolved in the Negative.*

VOL. CCXI. [THIRD SERIES.]

CHRISTCHURCH ANNUAL FAIRS ABOLITION.—QUESTION.

THE EARL OF MALMESBURY asked Her Majesty's Government, Why the Secretary of State for the Home Department has abolished the annual fairs at Christchurch, notwithstanding a Petition signed by 300 persons, magistrates, farmers, and inhabitants of the town and district, remonstrating against it, and sent to the Home Office, in accordance with an invitation from that Department to them to state whether they objected to the abolition of the said fairs? There were two annual fairs at Christchurch, which was the centre of a purely agricultural district of considerable extent, and were of great importance to the locality. The owners of the fairs were burgesses elected not by a popular vote, but by each other; but with a total disregard of the local prejudices and necessities, they had petitioned the Secretary of State in the beginning of February to abolish the fairs. A counter remonstrance had been got up against this Petition, and the same had been forwarded to the Home Office. Neither the lord of the manor, nor any of the magistrates petitioned for the abolition of the fairs.

THE EARL OF MORLEY said, the facts of the case as stated by the noble Earl were strictly correct. The memorial referred to by the noble Earl did not reach the hands of the Home Secretary until the order for the abolition of the fairs had been made. If the ownership was in the lord of the manor, the order as regarded these fairs would be *ultra vires*. He proposed that an inquiry should take place into the question, and he could assure the noble Earl that the matter should receive the attention of the Home Secretary.

TREATY OF WASHINGTON. TRIBUNAL OF ARBITRATION (GENEVA). ORDER OF PROCEEDINGS. QUESTION.

LORD REDESDALE asked the Secretary of State for Foreign Affairs, Whether, in the event of proceedings being opened before the Tribunal of Geneva, the decision of the Arbitrators will be first taken on the general principles which appear to render the American Claims inadmissible, and particularly on

those set forth in the last paragraph in page 132 of the Counter Case presented on the part of Her Majesty's Government before any of the special Cases were entered upon? Both during the last Session and the present he had called attention to what he thought was an answer to the Claims put forward by the United States—namely, that the British Government could not be made answerable for injuries done by one part of the United States to the other—the two belligerents having since become united in one State. It now seemed that the principle for which he had contended was embodied in page 132 of the Counter Case presented on the part of Her Majesty's Government. The paragraph containing it was as follows:—

"If the relative positions of the Government of the Confederate States and its officers, to whose acts the losses in question are directly attributable, and of the British Government—whose neutrality they violated—towards the United States who now makes these claims, are justly estimated, the more difficult it will be to see how—upon the supposition of a want of due diligence on the part of Great Britain in guarding her own neutrality—any pecuniary compensation whatever can be claimed from Great Britain. The whole responsibility of the acts which caused these losses belonged, primarily, to the Confederate States; they were all done by them, beyond the jurisdiction and control of Great Britain; wrong was done by them to Great Britain, in the very infraction of her laws, which constitutes the foundation of the present claims. But from them no pecuniary reparation whatever for these losses has been, or is now, exacted by the conquerors; what has been condoned to the principals, is sought to be exacted from those who were at the most passively accessory to those losses, through a wrong done to them and against their will. The very States which did the wrong are part of the United States, who now seek to throw the pecuniary liability for that wrong solely and exclusively upon Great Britain, herself—so far at least as they are concerned—the injured party. They have been re-admitted to their former full participation in the rights and privileges of the Federal Constitution; they send their members to the Senate and the House of Representatives; they take part in the election of the President; they would share in any benefit which the public revenue of the United States might derive from whatever might be awarded by the Arbitrators to be paid by Great Britain. On what principle of International equity can a Federal Commonwealth so composed seek to throw upon a neutral, assumed at the most to have been guilty of some degree of negligence, liabilities which belonged in the first degree to its own citizens, with whom it has now re-entered into relations of political unity, and from which it has wholly absolved those citizens?"

The question was one of primary liability, and ought to be decided before any other

Lord Redesdale

matter was entered upon, because if ruled in our favour, all other inquiries would become unnecessary. If the other points were first determined and the verdict of the Arbitrators should be against us, a subsequent decision that this objection on principle was good, and that we were not liable to pay the damages we had been declared to have been justly subject to, would lead to very sore feeling against us in the United States. On the other hand, if the decision against the Claims was first given on the point he referred to, it would be some satisfaction to America to know that the reunion of their great Confederacy was the cause of their rejection.

EARL GRANVILLE: With regard to the argument brought forward by the noble Lord (Lord Redesdale) last year, and also in the present Session, I remember that on two occasions I said in answer to my noble Friend that while I gave no opinion either for or against the argument, I promised that it would be taken into consideration by Her Majesty's Government. The first duty of the Arbitrators would be to consider whether England had failed in the performance of her duties as a neutral by way of omission or commission, either under the three rules laid down by the Treaty of Washington or under the recognized principles of International Law. Supposing that they find that we have so failed in our duty in respect of any of the vessels, the Arbitrators may, if they think proper, proceed to award a lump sum in satisfaction of all claims, or not awarding a sum in gross, a Board of Assessors is to be appointed to ascertain the amount of liability in respect of each vessel indicated by the Arbitrators. In order to enable the Arbitrators to perform these duties, it was provided by the Treaty that each Government should present a case to the Tribunal. That has been done. The noble Lord (Lord Redesdale) seemed to complain that his views were not referred to in our Case, but the reason was that the document was confined to a statement of facts. Argument was reserved for the Counter Case. In our Counter Case, which was presented to the Arbitrators two months ago, the noble Lord will find that his argument is set forth, and I think he will also admit that it is stated in as clear a manner as it can be done. The next stage, if things had gone on perfectly smoothly, would have been for

each party to present a Summary of the arguments on which it meant to rely. It was quite clear that he (Earl Granville) would be exceeding his duty if he were to state what was in that Summary, and still more so if he were to go further, and state the course which counsel would pursue—supposing that, after the Summary of points was put in, the Arbitrators should require an oral argument. He was, therefore, unable to answer in precise terms the Question which the noble Lord had put to him.

LORD REDESDALE said, it would be extremely awkward if the Case was not presented in such a way that this point would of necessity be first decided.

DANGEROUS EXHIBITIONS—WOMEN AND CHILDREN.—OBSERVATIONS.

LORD BUCKHURST rose to call attention to the state of the law with reference to the employment of Women and Children in public entertainments as acrobats. In these exhibitions women and children of tender years were often put in positions of the greatest danger—their lives might be said literally to hang upon a thread. There was no legislative provision which was sufficient to meet such cases. He had received an account from an eye-witness of what occurred at the Alhambra, where a little girl, not more than 12 years of age, risked her life in a fearful gymnastic feat, in which if she had not succeeded she must have suffered instant death. He had also received an account from an eye-witness of a performance at the Oxford Music Hall where two little boys (the youngest of whom could not be older than five or six years) were placed in imminent peril. He asked whether performances of this kind ought to be allowed in order to satisfy a morbid love of excitement? He admitted that it might be difficult to legislate on such a subject, but he thought there were instances in which legislative interference had taken place in circumstances somewhat corresponding. For instance, there was an Act of Parliament which forbade that boys of tender years should be employed as chimneysweepers, and there were also the Factory Acts. He would suggest to the Government whether it would not be possible to introduce some clause into the Metropolitan and County Police Acts which would

give the police the power of discretionary interference where the lives of women and children were placed in jeopardy.

THE EARL OF MORLEY said, that the noble Lord had himself acknowledged the difficulty of legislating upon this subject, but any suggestion made by the noble Lord would be received with the deference which it deserved. He thought the legislation proposed by the noble Lord would be too restrictive, and approached to over-legislation. At present if the Home Secretary, upon receiving information that any dangerous exhibition was about to take place, he at once intimated to the manager of the place of amusement in question that he must abide by the consequences if an accident happened. He believed that in every case the warning of the Home Secretary had proved sufficient. Blondin, for instance, had been prevented by such a warning from carrying his child along the high rope.

LIMITED OWNERS IMPROVEMENTS BILL [H.L.]

A Bill for encouraging and facilitating the Improvement of Settled Estates by persons having limited interests therein—Was presented by The Marquess of SALISBURY; read 1st. (No. 154).

House adjourned at half past Six o'clock, to Monday next, a quarter before Five o'clock.

HOUSE OF COMMONS,

Friday, 14th June, 1872.

MINUTES.]—NEW MEMBER SWORN—William Felix Munster, esquire, for Mallow.

SELECT COMMITTEE—Elementary Schools (Certificated Teachers), Mr. Pease discharged, Sir Thomas Lloyd, Mr. Charles Reed, Mr. J. G. Talbot added.

SUPPLY—considered in Committee—Committee—R.F.

PUBLIC BILLS—Ordered—First Reading—Bank Notes (No. 2)* [196].

Second Reading—Juries Act Amendment (Ireland)* [195]; Bakehouses* [54], debate adjourned; Church Seats* [194]; Mine Dues [177].

Committee—Education (Scotland) [31]—R.F. Committee—Report—Queen's Bench (Ireland) Procedure* [126].

Committee—Report—Third Reading—Oyster and Mussel Fisheries Supplemental (No. 2) (re-comm.)* [172]; Board of Trade Inquiries* [193], and passed.

The House met at Two of the clock.

GALWAY COUNTY ELECTION.

The Clerk of the Crown attending according to order, amended the Return for the County of Galway.

TREATY OF WASHINGTON.
TRIBUNAL OF ARBITRATION (GENEVA).
THE INDIRECT CLAIMS.
CORRESPONDENCE.

Copy *presented*,— of Correspondence respecting the Geneva Arbitration [by Command]; to lie upon the Table.— North America (No. 9, 1872).

PARLIAMENT—CONTROVERTED ELECTIONS—THE GALWAY ELECTION—JUDGMENT OF MR. JUSTICE KEOGH.

NOTICE OF MOTION.

THE O'DONOGHUE: Sir, I beg to give Notice that this day fortnight I shall move and take the opinion of the House upon the following Resolution:—

"That, in the opinion of this House, the judgment of Mr. Justice Keogh in the case of the Galway Election Petition is calculated to degrade the character of the Irish Bench, and to expose the purity of the administration of justice in Ireland to just suspicion, and the liberties and franchises of the electors of Ireland to serious peril."

TREATY OF WASHINGTON.
"PROVISIONAL USE."

NOTICE OF QUESTIONS.

MR. GREGORY: I beg, Sir, to give Notice that on Monday next I shall ask the First Lord of the Treasury, Whether, notwithstanding the postponement of the reference to arbitration under Article I. of the Treaty of Washington, he proposes during such postponement to take the necessary steps for carrying out such other Articles of the Treaty as are not directly connected with such reference; whether he contemplates that during that period the Acts which may be necessary to carry out such of the Articles as relate to the Dominion of Canada, and on which the guarantee of this country for £2,500,000 is to be claimed, should be proposed to the Parliament of that Dominion, or whether the execution of such Articles is to remain in abeyance; whether he regards the stipulations contained in such Articles as dependent upon, or connected with, the reference to arbitration provided by Article I. of the said Treaty; or whether *the same* are independent provisions and

binding upon the parties to the Treaty, whether such reference is proceeded with or not?

MR. BAILLIE COCHRANE gave Notice that he would on Monday ask the First Lord of the Treasury, Whether the United States have, since the signature of the Treaty of Washington, availed themselves of the provisional use of the privileges granted to them by that Treaty in the Dominion of Canada, Prince Edward's Island, and Newfoundland, and whether they will continue to do so in the event of the postponement of the Arbitration; and, whether the term "provisional use" does not imply that in the event of the failure of the Treaty the provisions of the Treaty with respect to the Fisheries must come to an end?

TREATY OF WASHINGTON.
THE INDIRECT CLAIMS—COMMUNICATION OF THE HIGH COMMISSIONERS.
QUESTION.

MR. HORSMAN: Assuming, Sir, that the Papers which are about to be presented are still in course of preparation, I beg to ask the right hon. Gentleman at the head of the Government, Whether the Alabama Treaty Papers about to be presented will include any communications from the British Commissioners to the Foreign Secretary, explaining how it happened that the proceedings at the meetings of the Commissioners were not recorded, so as to afford evidence of what passed between the Representatives of the two Governments with reference to the withdrawal of the Indirect Claims; and, whether the Papers to be presented will include the communication from the British Commissioners to the Foreign Secretary, by which—as stated by Sir Stafford Northcote—

"The Commissioners were distinctly responsible for having represented to the Government that we understood a promise to be given that those Claims were not to be put forward, and were not to be submitted to arbitration!"

MR. GLADSTONE: Sir, the Question of my right hon. Friend may be very briefly answered. The Papers which I believe are prepared to be laid upon the Table of the House to-day—although I cannot speak quite positively upon the point, as my noble Friend is not present—are in continuation of the Papers previously presented. They will come down

from the date of the last Papers presented to the latest date; but they do not go back to the prior proceedings, and consequently they do not contain any reference, unless it be some purely incidental reference. They do not purport to contain any reference made to the proceedings at the meetings of the Commissioners, nor any reference to the declaration made by the right hon. Gentleman opposite the Member for North Devonshire (Sir Stafford Northcote) as to the responsibilities of the Commissioners in representing that they understood a certain promise to have been made.

MR. HORSMAN: Then, am I to understand that no information is to be given to Parliament on this subject?

MR. GLADSTONE: No information respecting this subject will be contained in the Papers which the Government are about to lay upon the Table of the House.

MR. HORSMAN: Since, then, we are not to have the information in the Papers, I will put my Question in another form. I wish to know—first, whether the Commissioners reported to the Government that the question of placing on record what passed on the subject of the Indirect Claims was ever raised before the Commission? I wish, in the second place, to ask, Whether, if that question was raised and discussed by the Commissioners, they stated to the Government the reasons for their determination not to place them upon record; and thirdly, I wish to ask, Whether any communication was made from the Commissioners to the Government stating that the withdrawal of the Indirect Claims only rested upon an “understanding,” and whether the Government approved that position?

MR. GLADSTONE: In order, Sir, that I may give a precise answer to two of the Questions of my right hon. Friend, I must ask him to be kind enough to place them on the Paper. With respect to the third, I think it is material to reply that I am quite confident—I may trust my memory on this point—no representation was ever made to the Government by the British Commissioners that our security for the exclusion of the Indirect Claims from the negotiations rested only upon an understanding between themselves and the American Commissioners.

TREATY OF WASHINGTON.
GENERAL CONTRACTS OF THE TREATY.
PROCEEDINGS BEFORE
TRIBUNAL OF ARBITRATION (GENEVA).
QUESTIONS.

MR. CORRANCE: Sir, I wish to be allowed to make a preliminary statement in putting my Question, without being obliged to move the Adjournment of the House. [“Order!”] Then I will move that the House adjourn, and I think the circumstances justify me in asking the indulgence of the House. I owe an apology to the right hon. Gentleman at the head of the Government for having on a previous occasion put a Question of considerable importance without Notice. The position of the Prime Minister demands our utmost forbearance not only on account of the circumstances of the time, but of the situation which he holds in this House, and I should be the last to show any acrimony towards him, or trouble him with Questions except from a feeling of patriotism. On Monday last we received from him an intimation that parts of the Treaty of Washington might be proceeded with irrespective of other parts, and that he confirmed in his answer to the first part of the Question which I addressed to him yesterday. In that Question I introduced the San Juan subject simply as a test, for clearly, if that can go on to arbitration, so can other questions connected with the Treaty. I believe there are reasons why the San Juan question should be pressed to an immediate settlement, and I see nothing to prevent it. With regard, however, to questions connected with Canada there may be difficulties, and therefore I wish to give the right hon. Gentleman an opportunity of making clear the answer he gave me on a former occasion. The Treaty was framed, as I imagine, with all its obligations and concessions, as a whole, and great concessions were made by Canada; and if necessary—which I do not imagine it is—I could produce documentary evidence to prove that those concessions were exacted from her by the Government for the sake of Imperial considerations, Canada surrendering important rights and privileges. Now, in the present state of the case those Imperial interests are likely to disappear, and Canada may

be bound, nevertheless, by the concessions on record against her. That is not satisfactory, and unless I obtain a satisfactory answer I shall move on a future occasion—"That it is not in the interest of this kingdom or its dependencies in North America that any reference should be made or arbitration effected on the basis laid down in the Treaty of Washington." I now wish to ask, Whether, in pursuance of the announcement of the Prime Minister that it is competent to proceed to further arbitration upon all points unconnected with the *Alabama* question, it is his intention to submit to further reference any question or claims having regard to Canadian interests in respect to Fisheries or losses from Fenian invasion? In conclusion, I beg to move the Adjournment of the House.

MR. J. LOWTHER seconded the Motion.

Motion made, and Question proposed, "That this House do now adjourn."—*(Mr. Corrance.)*

MR. GLADSTONE: I am, Sir, unable to see the connection between the hon. Gentleman's Question and the preliminary statement with which he thought necessary to introduce it. The only notice which I need take of his statement is to enter my respectful protest against the assertion that assent to the Treaty of Washington was exacted from the Dominion of Canada by Her Majesty's Government. They have not the power—nor, if they had the power, would they have the will—to exact anything whatever from Canada, which they have recognized throughout as perfectly competent and entitled to judge for itself on any question affecting it. With regard to the Question, the hon. Gentleman, perhaps, through my fault, has misapprehended an opinion given by me which I thought yesterday I had sufficiently guarded against misunderstanding. I have not announced, without limitation, that it is competent to proceed to arbitration on all points unconnected with the *Alabama* question. I have not said, without limitation, that certain parts of the Treaty may proceed irrespective of other parts of it. What I have said is that, as far as we are informed, the adjournment at Geneva, which would arrest for the period of the adjournment all proceedings with regard

Mr. Corrance

to that portion of the provisions of the Treaty that is to take effect at Geneva, would not of itself in our view hinder the progress of other proceedings connected with the Treaty. As to the larger and more general question whether, as has been said, the Treaty is built in separate watertight compartments, so that the leaking or total failure of one does not affect the others, or whether the parts of it are like the wheels of a four-wheeled railway carriage, where when one comes to grief the others are sure to follow—that is a matter upon which I do not think any present necessity has arisen for my presuming to give an opinion on the part of the Government. I am bound, however, to say, after the misapprehension which has prevailed, that the Government must not be understood to have made or given countenance to any assertion that they can ensure the preservation of any portion of the Treaty, in case that portion of it which is to be prosecuted at Geneva should fall to the ground. As to the operative part of the Question, whether it is our intention to submit to further reference any question or claims having regard to Canadian interests as to the Fisheries or losses from Fenian invasion, what I would say is, that the question of the losses from Fenian raids as between ourselves and the United States, stands, like other diplomatic questions, to be dealt with according to the interests of the country, but it forms no part of any reference; and that with respect to the Fisheries, there has occurred in the natural progress of the provisions connected with that portion of the Treaty an interval. That interval is, however, totally independent of the proceedings at Geneva, and, as far as we are concerned, we have no intention of suspending any of these proceedings in consequence of an adjournment at Geneva.

VISCOUNT BURY: Sir, I asked the right hon. Gentleman yesterday, whether, as stated in the newspapers, Lord Granville intended to submit the arguments on which he relied to the Arbitrators at Geneva, and whether Mr. Fish had stated that any reservation of the British Claims, such as Lord Granville intended to put in, would be regarded by America as tantamount to putting an end to further negotiations? The right hon. Gentleman replied that

that alluded to a state of things which had then gone by, and that Lord Granville's communication, of which I spoke, was no longer in existence. He referred, moreover, to the telegrams which appeared in the newspapers yesterday, and thereby implicitly acknowledged their substantial accuracy. On examining them, however, I found the state of things had really occurred to which the main point of my Question alluded, and that Lord Granville intended to submit to the Arbitrators some document in the nature of a reservation of British rights with regard to the Indirect Claims. My question, therefore, did not refer to a state of things which has passed away, for I understand such a notice will be regarded by America as putting an end to further negotiations. I wish, consequently, again to ask whether such a state of things has arisen, or is likely to arise? I also desire to ask whether a telegram which appears in *The Daily Telegraph* to-day, purporting to give in full the amendments made in the Supplemental Article by the Senate, is authentic?

LORD HENRY SCOTT asked, Whether, with respect to a joint application for an adjournment of the proceedings at Geneva, the American Government had refused to join in an application such as had been suggested by Lord Granville, and if not, whether Her Majesty's Government had determined to make a separate application?

MR. SPEAKER: There is now a Motion before the House, that this House do now adjourn, and therefore it is only by the indulgence of the House that the Prime Minister can speak again. But he can do so if it is the wish of the House that the indulgence should be granted. ["No, no!" and "Withdraw!"] This circumstance marks the inconvenience of the practice of moving the Adjournment of the House on putting Questions. If the hon. Gentleman who moved the Adjournment of the House had confined himself to putting a Question, then the Prime Minister could have answered the Questions now put by the two noble Lords without irregularity.

Motion, by leave, *withdrawn*.

MR. GLADSTONE: Sir, perhaps I may now answer the Questions so far as it is in my power to answer them. With respect to the Question of my noble Friend (Viscount Bury), I adhere strictly

to the answer I gave yesterday. I do not think any advantage would arise to him or to the House in my entering into further particulars. As to the Question put by the noble Lord opposite (Lord Henry Scott), the Papers which are now about to be laid on the Table, and which will probably be in the hands of hon. Members of the House before the next day of meeting, will tell for themselves what course has been pursued by Her Majesty's Government.

LORD HENRY SCOTT said, he merely meant to ask a Question on a matter on which the people of this country were anxious—namely, whether a joint application for an adjournment had been agreed upon or not?

COLONEL BARTTELOT said, he wished to ask the first Lord of the Treasury, Whether the American Government having refused to address a joint Note to the Arbitrators at Geneva, to postpone their sitting for eight months, Her Majesty's Government have asked alone on behalf of England for that postpone-

ment? MR. GLADSTONE: I hope, Sir, the hon. and gallant Gentleman will not think it discourteous if I repeat to him that which I have already stated. Yesterday I said that the paper which appeared in *The Daily News* was an abridgement of a communication from my noble Friend (Earl Granville) to the Minister of the United States; but I pointed out that it contained a negative where there was no negative in the original communication. That explanation I observed in *The Daily News* this morning. That being so, I think it is infinitely more satisfactory to refer to the Papers that will be immediately laid before the House than to say anything further.

POOR LAW—CASE OF MR. GODING.

QUESTION.

SIR MICHAEL HICKS - BEACH asked the Secretary to the Local Government Board, When a decision will be given by the Local Government Board on the charges against Mr. Goding, assistant overseer at Cheltenham, which were inquired into in March last by an Inspector of the Board; and what is the reason for the delay in arriving at a decision?

MR. HIBBERT said, that since the report of the Inspector on the charges

against Mr. Goding, assistant overseer at Cheltenham, had been received by the Local Government Board, further statements had been made which would have to be considered, but there would be no unnecessary delay on the part of the Board in coming to a decision; he was, however, unable to say when the decision would probably be arrived at.

IRELAND—MURDER OF MRS. NEILL AT RATHGAR.—QUESTION.

MR. WHALLEY asked the Chief Secretary for Ireland, Whether the statement in the public journals that Mrs. Neill addressed a letter to the Lord Lieutenant, specifying the priest by whom and other circumstances connected with the altar denunciation on the Sunday preceding her murder is true; and, if so, whether any measures were taken in consequence of such communication?

THE MARQUESS OF HARTINGTON: I think, Sir, it would have been more convenient if the hon. Member had given a somewhat longer Notice of this Question, for it having appeared only in the Paper of this morning, I have been unable to get that full information which I should desire from Dublin. I hope the hon. Member will excuse me for calling attention to the grammar of his Question, which, I think, might be improved on further consideration. From the shortness of the time I have not been able to ascertain whether or not the rumour is correct that any letter was addressed to the Lord Lieutenant by Mrs. Neill. I am, however, aware that an inquiry has been made into an alleged denunciation by a priest, and the result of that inquiry is that that priest referred to the case of Mrs. Neill and her tenants from the altar, and offered to subscribe to the defence fund. He, however, advised the people to keep within the law, and commit no offence. So far as I am aware there was no denunciation from the altar.

MR. WHALLEY said, he would repeat his Question on Tuesday.

IRELAND—MASTERS AND ASSISTANTS OF NATIONAL SCHOOLS.—QUESTION.

MR. SMYTH asked the Secretary to the Treasury, Upon what authority restrictions have been imposed upon the masters and assistants of National Schools in Ireland, and upon those serving in

Mr. Hibbert

British Aided Schools; whether these young men must obtain the sanction of the Education Department previous to their appointment in the Civil Service; and, whether it is intended that the principle of reimbursing the cost of training applied to them shall be extended to students of all Universities, Colleges, and Schools which are receiving State Grants or enjoy public endowments?

MR. BAXTER: Sir, the restrictions referred to in the Question of my hon. Friend are imposed in virtue of a contract, by which the masters and assistants of schools receive a gratuitous education on the condition that their future services are available to the State as teachers. If they elect to leave the Education Department and seek employment in some other branch of the Civil Service, they are bound to repay the cost of training. No such condition appertains to the case of persons educated at State-aided Universities.

EDUCATION (SCOTLAND) BILL.—[Bill 31.]

(*The Lord Advocate, Mr. Secretary Bruce, Mr. William Edward Forster.*)

COMMITTEE. [*Progress 13th June.*]

Bill considered in Committee.

(In the Committee.)

Amendment proposed [13th June],

In page 24, line 22, after the word "situated," to insert the words "Provided that such conditions shall not give any preference or advantage to any school on the ground that it is or is not provided by a School Board."—(*Mr. Collins.*)

Question again proposed, "That those words be there inserted."

MR. M'LAREN said, he strongly disapproved of the Amendment; it was only the first of an important series of a most formidable character.

MR. SYNAN said, he could not understand how his hon. Friend and the other Scotch Members who professed to be the advocates of impartiality in all matters, could object to the Amendment.

MR. COLLINS said, that the Committee had already decided that schools whether denominational or otherwise, should be treated in the same manner, and the words of his Amendment were taken exactly from the English Act.

MR. TREVELYAN said, that the right hon. and learned Lord Advocate had said on the previous evening that he would accept the Amendment, if there was no opposition offered to it. Now,

he (Mr. Trevelyan) believed there was a very great and reasonable objection in the Committee to adopt the Amendment, and that was, that it was useless to tie the hands of the Government, or of the Education Department in the future. No doubt the hon. and learned Member for Boston (Mr. Collins) thoroughly understood English education, but he appeared to apply his opinions to Scotch education without a sufficient study of the question, for if he would read the 2nd Report of Her Majesty's Commissioners on Education in Scotland, he would see that the denominational question did not stand on the same footing in that country as it did in England, because in Scotland there was merely a handful of Episcopalian and Roman Catholic children scattered throughout the country. If it were rendered necessary to set up separate schools everywhere for those children the cost would be something enormous; indeed, at a time when it was reported that 200 schools were wanted in different parts of the country to supply deficiencies, the Commissioners stated that there were actually 40 schools supported under the denominational system which were not required. The Amendment of his hon. and learned Friend, moreover, was in the precise terms of the Amendment which in his judgment wrought such harm in the English Act, and with which he thought hon. Gentlemen opposite ought to be satisfied.

SIR EDWARD COLEBROOKE said, that though cordially agreeing in principle with the hon. and learned Member for Boston, he would urge him not to press the Amendment to a division.

THE LORD ADVOCATE said, that in preparing the Bill he certainly did not consider it necessary to introduce the words now proposed by the hon. and learned Member for Boston, although they were before him in the English Act. He omitted them, however, not because they expressed anything different from what was generally intended, but because they appeared to him to be altogether superfluous. The whole of the clause was in the language of permission, and in this respect it followed the wording of the English Act; that Parliamentary Grants might be made to the managers of any school which was, in the opinion of the Scotch Education Department, efficiently contributing to

the secular education of the parish or burgh in which it was situated. The real objection to denominationalism was that it was a system over which we had no control, and that the schools were distributed—he would not say capriciously, but without exclusive reference to the educational requirements of the district. Now, if a school were found to exist where it was not at all needed, or to be what he might call “superfluous,” a certificate that it was efficiently educating children might not be sufficient to warrant a Parliamentary Grant being given to it; but the reverse would be the case if it appeared that the school was necessary in the place where it existed; and that rule would be construed as specially applying to schools attended by 20 children and under. As in Scotland, there were to be school boards everywhere, the words of the Amendment might be liable to misconstruction, and in his judgment the declaration was superfluous, otherwise the Government entertained no objection to the proposal. He hoped the hon. and learned Gentleman would not press his Amendment.

MR. C. DALRYMPLE said, he should contend that, whether superfluous or not, the Amendment was accepted by the Lord Advocate last night, and the right hon. and learned Gentleman was bound to adhere to the position he had then taken.

SIR ROBERT ANSTRUTHER said, it was true that the right hon. and learned Gentleman had accepted the Amendment on the previous evening; but he remarked at the time that he should like to know whether it was accepted by that side of the House or not. For his own part he should vote against the Amendment.

MR. BERESFORD HOPE said, the right hon. and learned Lord Advocate ought not to characterize as “superfluous” any school which was efficiently carrying on the great work of education, especially as the Parliamentary Grant was in the nature of a capitation grant. It was, if not essential, at all events highly desirable, to insert the Amendment, in order to make sure that a fair interpretation should be given to the words of the clause in Scotland. He was certainly under the impression that the right hon. and learned Lord accepted the words of his hon. and learned Friend the Member for Boston last night; and

he now called upon the Government to accept words which, according to their own argument, were either totally harmless, or else necessary to the fair working of the Bill.

MR. W. E. FORSTER said, he wished to explain the difference which existed between the system in England and that in Scotland. In England we had to deal with rate schools newly introduced—we had, in fact, to supplement an existing system; while in Scotland we had to deal with a national system in a state of development. It was quite possible that although a school might impart an efficient education to the children attending it, it might be superfluous, inasmuch as it might not be required to meet a demand for education in the district wherein it was situated; and where a second school was not wanted, it was undesirable that such a school should be established, because in such a case competition was of no great advantage. As regarded that particular Amendment, he understood his right hon. and learned Friend to have stated last night that the Government had no objection to it practically if it met with the concurrence of the Committee. He thought they were now in a position to say that if the hon. and learned Member for Boston pushed his Amendment to a division they should think it right to vote for it. At the same time he thought the hon. and learned Member was not acting wisely in pushing his Amendment forward, because if he failed to obtain a majority in favour of it, the principle he was advocating would be in a worse position than if he had not proposed the Amendment.

MR. GATHORNE HARDY said, he was glad that the honourable understanding of last night had been recognized by the right hon. Gentleman the Vice President of the Council, for he (Mr. Gathorne Hardy) had relied upon it. The only object of the Amendment was to ensure that, with regard to the Parliamentary Grant, there should be no distinction between the mode of treating children in one school or another, provided that they satisfied the test required.

THE LORD ADVOCATE said, that what he really said was, that he should offer no opposition if there were none on the part of the House; and all he now did was to press the withdrawal of the Amendment, since it appeared to him

superfluous. If, however, it were not withdrawn, he would vote for it.

MR. CRAUFURD said, that the wording of the Amendment rendered it inapplicable to the Scotch Bill, and it was also unnecessary, he therefore would counsel its withdrawal.

MR. F. S. POWELL said, he hoped that would not occur, for he should not have assented to the adjournment of the debate last night but for the understanding that the Amendment would be adopted.

LORD HENRY SCOTT said, he regarded the Amendment as necessary, or, otherwise, there would be no protection for denominational schools if the school board were to decide whether these schools were required or not. He thought that the power ought not to be in the hands of the school board, but that it should be left to the Education Department, and he should hereafter propose an Amendment with that view.

MR. STAPLETON said, he also thought there were already words in the Bill which made the Amendment unnecessary.

MR. M'LAREN said, that last night the right hon. and learned Lord Advocate undertook to support the Amendment, if there was no objection to it on the part of the House; and thereupon he at once rose and objected to it, so that the right hon. and learned Lord was released from his obligation.

MR. COLLINS said, he thought that as the right hon. and learned Lord Advocate agreed with him upon the merits of the Amendment, it was better not to leave the matter to the Scotch Board. They had had enough of "understandings" in other matters, and it was better to lay down in the Bill, as in the English Act, the principles of action which Parliament thought right. He must, therefore, take the sense of the Committee on the propriety of inserting that provision of the English Act in the Scotch Bill. A great deal had been said about superfluous schools, but the question could be more fitly discussed when sub-section (b) came under the notice of the Committee.

Question put.

The Committee divided:—Ayes 203; Noes 109: Majority 94.

Mr. Beresford Hope

On the Motion of Dr. LYON PLAYFAIR, Amendment made, in page 24, line 23, after "that," by inserting—

"Due care shall be taken by the Scotch Education Department, in the construction of such Minutes, that the standard of education which now exists in the public schools shall not be lowered, and that, as far as possible, as high a standard shall be maintained in all schools inspected by the said Department, and provided that."

MR. TREVELYAN, in moving, in line 29, to leave out sub-section (b), and insert—

"No school, other than a public school, which shall be established after the passing of this Act shall receive any grant,"

said, that the Amendment bearing on the matter moved the previous night was very complicated, and in some respects invidious. The present proposition, on the contrary, was extremely simple, and its expediency was quite obvious, for it was to obviate the necessity of any expense being incurred for denominational schools set up after the passing of the Bill, which professed to provide a national system of education for Scotland. He also thought it entirely solved the religious difficulty, for the Vice President of the Council had stated that they got rid of the religious difficulty by putting the schools under the control of the school boards; and that the effect of the measure would be to give religious but not sectarian training—in other words, instruction in great moral truths. Now, the Government had had the good fortune to be able to place the whole of Scotland under the school boards, and all he (Mr. Trevelyan) and his Friends desired was to put an effectual check to Parliamentary grants being given to denominational schools. They were repeatedly told that in Scotland the children were very willing to attend schools belonging to other denominations, provided the secular education was good. Why, then, allow such schools to be set up? The result would inevitably be that in small populations perhaps 20 or 30 Episcopalians or Roman Catholics would demand a fresh school, and the power either of giving or refusing these fresh schools would be placed in the hands of the Education Department.

THE LORD ADVOCATE said, he must decline to accept the Amendment, for the clause as it stood was intended

to carry out what appeared to be the opinion of the great majority of the House of Commons in 1869, when the Bill introduced by Sir James Moncrieff was discussed. The original proposal of that Bill was in accordance with the views of his hon. Friend (Mr. Trevelyan); but it was objected that the effect of allowing denominational schools hereafter to be established might tend to give a boon or encouragement to that class of schools, unless some words of prescription were introduced which should limit the grant to those which might appear necessary; and the whole difficulty was to suggest words which should be effectual for that purpose. The hon. Member for Edinburgh (Mr. M'Laren) at that time suggested that in the case of schools which were reasonably required in any town or district they should have the benefit of the grant, but that those schools established with a proselytizing view should not have that encouragement. He (the Lord Advocate) accordingly had endeavoured to introduce words in the present Bill which might have such a restraining effect, and they were the words of this clause now proposed to be omitted. There were in large towns schools which could be proved to be needed, and to refuse them the benefit of the grant would amount to something like persecution. However, the Education Department were instructed to report annually on such schools. That brought the matter annually under the supervision of Parliament; and he (the Lord Advocate) hoped he had succeeded in providing such reasonable checks against abuse as would be satisfactory to the House. With the exception of Roman Catholic schools in large towns, those best acquainted with the subject did not anticipate that there would be any considerable increase in the number of denominational schools in Scotland.

MR. TREVELYAN, in explanation, said, he perceived that the omission of the words might create great difficulty, and he therefore proposed to withdraw his Amendment. ["No, no!"] If he were forbidden to withdraw it, and if a division took place, he himself should vote against the Amendment.

MR. COLLINS said, he regretted that the hon. Member for the Border Burghs (Mr. Trevelyan) intended to vote against his own Amendment. That hon. Mem-

ber was strenuously fighting against a great principle of the English Act, and which was that all schools should be secular as regarded the school hours; and at Macclesfield a copy of the Ten Commandments had accordingly been taken down from the walls. It would be inconsistent with that principle to inquire, as proposed by the clause, into the religion of the children's parents.

Mr. BOUVERIE said, the proposal of the right hon. and learned Lord Advocate lay between that of the hon. and learned Member for Boston (Mr. Collins) and that of the hon. Member for the Border Burghs (Mr. Trevelyan), which were the two poles of opinion in the matter. It therefore seemed to him (Mr. Bouverie) only just that it should receive the support of both sides of the House. It was also desirable that some loophole should be left with reference, for instance, to the Roman Catholic population, which was numerous in some of the towns and burghs in Scotland, who would probably not attend the National Schools.

Mr. GATHORNE HARDY said, that the main system hitherto prevailing in Scotland had been one of a public character, though the parish schools were certainly connected with the Church of Scotland, but there had been no attempt at proselytizing. One of the great advantages of schools receiving grants was that they would retain the benefit of inspection, which was a guarantee that the education would be *bona fide* and efficient. Were they going to set up a system in which there would be no competition whatever? Why should not the people be allowed to organize an independent school, provided the education imparted was efficient; and probably it might be superior to that given in the National School, and get a share of the public money? Did the Committee wish that every child should receive education under the inspection of the Government, and so bring home to them that secular knowledge which was so desirable and so necessary? If so, he thought adventure schools should have their share in the rates. It was a question of justice alone, for to the Imperial funds all contributed. By that policy no wrong would be done the Government, or the Exchequer, or the parents, if the grants were conceded on account of the efficiency of the secular instruction.

Mr. Collins

Mr. W. E. FORSTER said, in explanation, that the Government thought it would not be fair to prevent those taxpayers in Scotland who might prefer a school other than the public school from having an opportunity of participation in the grant from the taxes. But it would not be right or advisable to leave the question as it stood in the English Act, because, whereas in England they were supplementing the voluntary system, in Scotland they were developing a national system; and, accordingly, the principle of the clause was, that there should be no assistance to any future school unless the Department was satisfied that it was specially required in the locality where it was situated. He granted that there was something in the objection to the use of the word "denominational," and therefore the Government would have no objection to accept the Amendment of the hon. and learned Member for Stroud (Mr. Dickinson) to strike out the word "denominational," and insert "not being a public school;" but they could only consent to this being done on condition that the following words at the end of the section were struck out:—

"And that a majority of the children in attendance are of the denomination to which the school belongs."

Mr. BERESFORD HOPE said, he was glad to hear from the right hon. Gentleman that the grant was to be given on the ground of efficiency alone. It stood to reason, therefore, that the better the teaching in a school the more likely was it to draw a large *clientèle* of scholars; but an inefficient school set up by private adventure would draw no children except those which could be influenced by its patrons. For that reason, the money should be given only to schools that were required, and not to those which were really useless to a neighbourhood.

SIR EDWARD COLEBROOKE said, it must be the duty of the Privy Council to make such inquiries as to the wants of the locality before any grants were given; but the clause as it was originally worded was a very invidious one, and was directed against one particular denomination, and that not Roman Catholic. There was no question that Roman Catholics and Presbyterians would never build schools connected with their own denominations unless there was a

considerable number of children to attend them. But the section as it was worded in the first instance, and as intended by the hon. Member for Edinburgh (Mr. M'Laren), who made the first suggestion about it, was particularly directed against the Episcopalians. They were a small minority of the population, and no doubt it was almost impertinence upon their part to come forward to lead the education of the country; but he did not think the hon. Member for the Border Burghs ought to take any exception to the clause as proposed to be amended by Her Majesty's Government.

LORD HENRY SCOTT said, the suggestion to leave out the latter part of the section was, to a certain extent, satisfactory, as it removed an invidious distinction; but he thought it was equally invidious to allow the words "specially required" to remain in the section. A school might not be specially required, while at the same time it might meet certain wants of the district. As regarded the Episcopalian schools, he had presented Petitions to the House from Presbyterians, praying not only might discouragement not be given, but that even encouragement should be extended towards the promotion of these schools in Scotland, because of their efficiency. In fact, there was a system of teaching in some of the Episcopalian schools in Scotland of more effect than in some of the National Schools. He did not think there was the least reason to fear that the country would be flooded with unnecessary schools.

MR. W. E. FORSTER said, he hoped the hon. Member for the Border Burghs (Mr. Trevelyan) would not persevere with his Amendment. On the part of the Government, as he wished the Committee to come to some decision on the subject, he was quite willing to leave out the sub-section and the words relating to a majority of the children; but he could not accept the suggestion to leave out the words "specially required."

LORD EDMOND FITZMAURICE said, he understood the Government meant to accept the Amendment of the hon. and learned Member for Stroud, which would enact that Parliamentary grants should not be made in respect of a school not being a public school established after the passing of the Act;

and he wished to point out that that would exclude all public schools established before the passing of the Act. What was to become of them?

DR. LYON PLAYFAIR said, he hoped the hon. Members on the Liberal side would consider what would be the effect of retaining the words the Government proposed to leave out. The only practical effect of retaining those words, and the only schools in Scotland which could not receive any grants under any conditions whatever, would be the Episcopalian. The Roman Catholic schools always had a majority of Roman Catholic scholars attending them, and the same might be said of the Presbyterian schools; but in regard to the Episcopalian schools, it had been found that only 31 per cent of the scholars of that denomination attended, the other 69 per cent being made up of those belonging to other persuasions. Therefore, if a mere majority was required, they would shut out the chance of any Episcopalian schools being formed. He thought there need not be the least fear in accepting the suggestion proposed by the Government.

THE LORD ADVOCATE said, the objection of the noble Lord (Lord Edmond Fitzmaurice) as to the effect the adoption of the Amendment would have upon public schools existing prior to the passing of this Act, would be met by inserting the words "not being a public school" after the words "after the passing of this Act," as proposed.

MR. M'LAREN said, he had a great dread of the effect of the Amendment suggested by the Government. The deputations which had waited on the Lord Advocate showed a unanimous desire to prevent the extension of denominational and proselytizing schools. Much harm arose where there was a multitude of small schools in the place of one larger one under efficient management. He therefore entreated the Government not to leave out the words requiring a majority of the children to be of the denomination to which the school belonged.

Amendment, by leave, *withdrawn*.

On the Motion of the Lord Advocate, Amendment made by leaving out the word "denominational," in line 29, and inserting after the word "Act," in line 30, the words "not being a public school."

MR. DICKINSON moved, in sub-section (b), to omit the remainder of the sub-section after the word "Act," in line 30.

Amendment proposed, in page 24, line 30, to leave out from the word "Act," to the word "belongs," in line 34.—*(Mr. Dickinson.)*

Question put, "That the words 'unless the said Department shall after due inquiry be satisfied that it is specially required in the locality where it is situated' stand part of the Clause."

The Committee divided:—Ayes 250; Noes 99: Majority 151.

THE LORD ADVOCATE moved, in sub-section (b), after the word "situated," the omission of all the words to the end of the sub-section.

Amendment proposed, in line 32, to leave out from the word "situated," to the word "belongs," in line 34.—*(The Lord Advocate.)*

Question proposed, "That the words proposed to be left out stand part of the Clause."

Question put.

The Committee divided:—Ayes 82; Noes 260: Majority 178.

THE LORD ADVOCATE then proposed the following addition to Clause 64:—

"No Parliamentary grant shall be made in aid of building, enlarging, improving, or fitting up any school, except in pursuance of a written application by a school board containing the information required by the Scotch Education Department for enabling them to decide thereon, and sent to the said department on or before the thirty-first day of December One thousand eight hundred and seventy-three, but without prejudice to applications made prior to the passing of this Act being dealt with according to the existing laws; and, with respect to any parish situated in the counties of Inverness, Argyll, Ross, and Orkney and Shetland, where a school rate of not less than ninepence in the pound on the rateable value of such parish has been levied, such grants as aforesaid may be made of an amount not exceeding three hundred pounds for each school and one hundred pounds for each teacher's residence, without regard to the amount contributed by the school board out of the school fund or otherwise, or by local subscription, towards the building, enlarging, improving, or fitting up such school or residence; and in any parish so situated where a school rate of not less than threepence in the pound on the rateable value of the parish has been levied, the annual Parliamentary grant to a school shall not be reduced by its excess above the income of the school derived from fees, rates, and subscriptions."

MR. COLLINS said, he would not object to the clause being inserted, but thought that Scotchmen were getting that which was not given in England.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 65 (Conscience Clause).

MR. ANDERSON proposed, in page 25, line 5, to leave out the words "under this Act," the object of the Amendment being, he said, to make quite sure that the Conscience Clause prescribed in the Bill should apply to every school in receipt of public money. As the Bill was not one for giving Privy Council Grants, which, in fact, existed quite independently, it did not seem perfectly certain that this clause was not intended to except denominational schools from the Conscience Clause. The right hon. and learned Gentleman had stated that his intention was that every school in receipt of public money should have the Conscience Clause, and he would be content with his declaration as a lawyer that that was the proper interpretation of the Bill.

THE LORD ADVOCATE said, he had no hesitation in giving his hon. Friend the assurance for which he asked; but as a pledge of his sincerity, he had no objection to the omission of the proposed words.

Amendment agreed to; words struck out accordingly.

MR. STAPLETON said, he had an Amendment to propose which he hoped would meet with the approval of the Committee. The object sought to be attained was a very simple one. It was that all children in a public school should receive at least some moral instruction, which should be given during school hours, but that no religious instruction of a dogmatic character should be given during those hours. He proposed this Amendment, because he thought the Conscience Clause was one of which before long they should be almost as much ashamed as they now were of the penal laws of times past. He begged to move, in line 6, after "denomination," to insert—

"All children attending any public school shall receive moral instruction from the teacher of such school who may, subject to the control of the Scotch Education Department, use such ex-

tracts from the Bible or such other books as he may deem suitable, but no religious instruction of a dogmatic, doctrinal, or historical character shall be given in any such school during school hours."

THE LORD ADVOCATE said, he was sorry that the Government must oppose the Amendment; but he trusted that the adoption of that course would not lead the Committee to suppose that they were the enemies of moral education being given in the schools, or that they opposed the introduction of the words on any other ground than that really they did not find a fitting place in an Act of Parliament. He might take it for granted that in all schools, whether public or private, which were properly conducted, moral instruction would be given to the children, and that every occasion would be taken advantage of in order to inculcate and impress moral lessons upon them. As to providing that for this purpose extracts from books might be used, he should consider that altogether unnecessary. The schoolmaster would use such books and such means as he thought fitted for the moral training of the children, but the words were not needed in a clause intended only to protect the children from having any dogmatic instruction forced upon them to which their parents objected.

Amendment negatived.

MR. BERESFORD HOPE, for the hon. Member for Boston (Mr. Collins), moved an Amendment, in line 12, after "in," to insert words simply intended to carry out the principle of the Time Table Conscience Clause a little more clearly. The clause had worked well in England, and he did not see what objection could be urged to the proposal to insert the words of the English Act in the present measure.

Amendment proposed,

In page 25, line 12, after the word "in," to insert the words "the time or times during which any religious observance is practised or instruction given in religious subjects is given at any meeting of the school, shall be at the beginning or at the end, or at the beginning and at the end of such meeting, and shall be inserted in a time table to be approved by the Education Department, and to be kept permanently and conspicuously affixed in every school room; and any scholar may be withdrawn by his parent from such observance or instruction without forfeiting any of the other benefits of the school."—(Mr. Collins.)

Question proposed, "That those words be there inserted."

DR. LYON PLAYFAIR said, that the hon. Gentleman who moved the Amendment could scarcely be aware of the result of its introduction into Scotland. If it were agreed to, only the senior boys and girls in many of the schools would receive any religious instruction. The junior pupils who required that instruction would not get it, because it was the custom to give religious instruction at certain times of the day when they were absent, and thus the effect would be that in some schools where religious instruction was required, it would, perhaps, never be given at all.

MR. GORDON said, that in the English Time Table, provision was made for giving religious instruction four times a-day; but when they came to Scotland, where the want of a Conscience Clause was never felt, the 65th clause of the Bill they were now discussing provided for secular instruction during four hours at least; and it was provided that no religious instruction should be given and no religious observance take place except before the commencement and after the close of the secular instruction. It should be remembered that the children came at different hours—the more advanced pupils at an earlier hour, and the other pupils at a later hour; and it was impossible for the teacher to bring them all together for religious instruction without subjecting both himself and the pupils to great inconvenience. The English Act approached more nearly to their requirements in that respect in Scotland, and he wanted to know why they had not the same Conscience Clause? He submitted with great confidence that English Members would not be doing justice to Scotland if they subjected the schools of that country to a more fettered Conscience Clause than that contained in the English Education Act of 1870.

MR. ANDERSON, in opposing the Amendment, said, that he had opposed the proposition contained in the English Education Act for having religious instruction four times a-day, and he was glad that the Lord Advocate reduced the time to that which he had endeavoured to insert in the Bill. He thought religious instruction given twice a-day was quite enough, because if they took away the attention of the schoolmaster four times a-day for religious instruction, they should require to pay him for it, and no such provision was made for it in the Bill.

MR. C. DALRYMPLE was anxious that religious instruction should be given four times a-day instead of twice. He, therefore, hoped the Amendment would be agreed to. He had, however, no preference for a Time Table, believing that a Conscience Clause was sufficient, and that a Time Table was like elbowing out religion. He was surprised at the view taken by the Prime Minister the other night about a master being compelled to give religious instruction.

MR. GLADSTONE said, in explanation, that what he had said was, that it would be absurd to compel a master to give religious instruction in a case where all the children would withdraw from it.

MR. M'LAREN said, that there was a strong opinion in Scotland that the Bill as it stood was decidedly better than the clause now proposed. The Bill was a secular and not a religious measure, and looking to the principle on which it was founded, he did not think it would be wise to have religious instruction four times a-day.

SIR ROBERT ANSTRUTHER said, the Bill laid down that no religious instruction should be given, or that no religious observance should take place, except before the commencement or after the termination of the secular instruction of the day; but it appeared to him that those were the very times when the children would not attend to it. He would urge upon the Government the expediency of accepting the Amendment.

THE LORD ADVOCATE said, the clause was not intended to curtail the time for religious instruction, but to effect an equitable division of time for both classes of instruction. If it was the opinion of the Committee that four times a-day should be substituted for twice, he would have no objection to make the alteration.

MR. ORR EWING said, that the clause in its present form would be quite unworkable in populous towns, where the half-time system was in operation in regard to child labour.

MR. CRAUFURD hoped the Lord Advocate would stand by his own clause, and not be led by the Vice President of the Council to accept Amendments from either side of the House.

SIR GRAHAM MONTGOMERY said, what they on his side wished for was, that Scotland should receive the same

treatment in this respect as England had received.

Question put.

The Committee divided:—Ayes 139; Noes 149: Majority 10.

House resumed.

Committee report Progress; to sit again upon *Tuesday* next, at Two of the clock.

And it being now Seven of the Clock, the House suspended its Sitting.

The House resumed its Sitting at Nine of the Clock.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

FRANCE—DENUNCIATION OF THE TREATY OF COMMERCE.

RESOLUTION.

MR. GRAVES, in rising to call attention to the denunciation by the French Government of the "Treaty of Commerce" with this Country, and to the effect of the recent changes in the Navigation Laws of France upon British Shipping, and to move a Resolution, said, he would remind the House that the Correspondence which had passed between the two Governments of France and England had been presented to the House, and that no one who had carefully perused it could fail to be struck by the magnitude of the interests involved, or to notice how great a blow had been dealt at the trade and industry of both countries by the abrogation of the Treaty. It was the undoubted right of every nation to determine its own fiscal policy, provided that existing treaties and obligations were not violated; and if he referred for a moment to the causes that had led France to denounce the Treaty, it was rather for the purpose of expressing regret that she should have put an end to a Treaty which had brought into the closest alliance, politically and commercially, two peoples hitherto kept apart by prejudice, if not feelings of a stronger character. Nay, more, he was prepared to show that during the time the Treaty had been in existence France had been placed in the van of commercial progress; that she had gained for

Mr. Anderson

herself a distinction in the commercial world which she had never possessed before; and that her prosperity had been greater than she had ever before experienced. Those were circumstances which, he thought, ought to have influenced the statesmen of France; but he regretted to find they had ignored them, and had chosen to adopt a policy which, in his opinion, did not tend to promote the interests or the commercial prosperity of their country. No one could be prepared to make greater allowances than he was for the position in which France was placed, for burdens heavier than any which were ever imposed on a great nation had been suddenly thrust upon her; but he ventured to think that our sympathy would not have been less if she had acted in a more generous and just spirit in her commercial relations with this country, and if, instead of pursuing a policy of isolation, she had evinced a greater appreciation of the manner in which England had acted towards her during the last 12 years in sharing with France all that was valuable in her trade, and who had shown in all her commercial relations the deepest consideration for France. It was impossible, however, to read the Correspondence in question without coming to the conclusion that France desired not so much the denunciation, as a modification of the Treaty; that she sought for time to prolong the negotiations, and that her overtures were somewhat sternly rejected by the Government of England. He thought, therefore, he was justified in stating that Her Majesty's Government had assumed some responsibility for allowing a Treaty to terminate which by negotiations or modifications might have been kept alive and not denounced. They might deserve praise or blame for that, according to the views of hon. Members; but he trusted he should be allowed to state the grounds on which, as he conceived, Her Majesty's Government had seen fit to take up the position they had done. He did not want to trouble the House with long extracts from the Correspondence; but he might state broadly that Her Majesty's Government appeared to have been influenced by a fear or suspicion that any modification of the Treaty, however slight, would be a departure from the dogmas of Free Trade. When the Duc de Broglie waited on

the Foreign Minister of this country to hand in the denunciation of the Treaty, he asked for further time for negotiation. He was told by Earl Granville that if the scheme—or rather the views—which M. Thiers had advocated in the French Chamber with regard to Protective policy could be retracted, Her Majesty's Government would be willing to listen to the overtures for the prolongation of the time. He questioned how far the Government had a right to consider that views advanced in a written message to, or in speeches delivered in, the Chamber of another country ought to be withdrawn as a preliminary to negotiations connected with a Treaty. For his own part, he thought it was rather an overstraining of the position of the Government, and he found it difficult to understand why, in obedience to theoretical doctrines, substantial commercial benefits should have been refused; for he thought it would not be controverted that Her Majesty's Ministers had been largely guided by the fear that any modification of the Treaty would be regarded as a retrograde movement on the part of France, and as a departure from the true principles of Free Trade on the part of England. What view did our able and zealous Minister in Paris take of the matter? His words were so impressive that he would venture to quote them. Lord Lyons, writing to Earl Granville on the 1st of February, said—

"Your Lordship is well aware that I myself think that the political results of an abrogation of the Treaty would be very injurious to cordiality between the two countries; that it would produce an impression that the friendship between them was diminished; and that the mere existence of this impression would have the effect of soon making it only too correct. On political grounds, therefore, I am very desirous the Treaty should be preserved; and I also confess that I do sympathize strongly with the French in their financial straits, and perfectly understand the annoyance which they feel at the restrictions which the Treaties impose on their adopting such measures as they themselves consider to be best calculated to supply their urgent need. It is natural, therefore, that I should look with some discouragement at the present state of the negotiation."

His Lordship went on to say—

"On the other hand, if a proper 'most-favoured nation clause' were inserted in a new Convention with us, France would be precluded from carrying the Convention into effect so long as Treaties with any other Powers subsisted."

Now, he was prepared to show that the absence of that "most-favoured na-

tion" clause was likely to inflict the greatest injury on the maritime interests of this country, and that on this ground alone it would have been expedient to carry on the negotiations as Lord Lyons advised. There was a party in the country—and he believed it was represented in that House—who held that it was not the interest of England to have any treaties at all, and who believed it would be well if we abstained from making any. So far as commercial treaties were concerned, he did not share that opinion, for the simple reason that commercial treaties were the universal means by which international reciprocal advantages were secured; and we were taking a wrong view of our position if we said to all other nations—"Because you will not give us what we want in our own way, we decline to take what you want to give us in the way you are disposed to give it to us." If the Treaty of 1860 was not a retrograde step, why was the modification of it in 1872 to be regarded as a retrograde step? We might ride our hobby too far; and it was idle for us to say we would deal with other nations only upon our own terms. If that continued to be our commercial policy, we should, sooner or later, find ourselves commercially isolated, and our trade would be diverted into those more favoured channels fostered by reciprocal benefits. Our great natural advantages had hitherto rendered it unnecessary for us to foster our trade by artificial legislation; but now other nations were steadily increasing in commercial and industrial energy and activity, and if we did not pay more attention to commercial politics we might soon find a considerable diminution in our trade. It had often been said that in this country we required a strong commercial department in the Government; and it was impossible for anyone to read the despatches mentioned without coming to the conclusion that the sooner there was a Department in our Executive specially charged with the guardianship of our commercial policy the better it would be for our commercial interests. He knew that recently the Foreign Office had constituted a commercial branch. It was, however, an inferior one—though presided over by a zealous official—not such as he aimed at—a distinct department presided over by a responsible Member of Government

Mr. Graves

charged with the surveillance of our trade at home and abroad. To-night he proposed to illustrate the injury done to our commercial interests by taking up the maritime branch, with which he was most conversant, and which more than any other had been subjected to exceptional treatment on the part of France. The Treaty of 1860—otherwise termed the Commercial Treaty—simply extended the direct navigation conceded by the Treaty of 1824, to the importation of cotton and jute from India and wool from Australia as freely in British as in French vessels; and it further provided by Article 5 of the Supplemental Convention that merchandise imported into France in British ships should be put on as favourable a footing as if imported into France in the ships of any third Power. In 1866 France, pursuing an enlightened policy, took a most important step in commercial progress, for she opened her whole navigation, except the coasting trade, to the nations which reciprocated with her perfect freedom, reserving to herself the coasting trade, which she had before and since restricted to her own flag. She also admitted ships to registration, wherever built, at a nominal payment of 1 franc a ton. In February last, however, a complete and disastrous change came over the policy of France. She then enacted that dues should be levied on all merchandise imported in foreign bottoms, and the dues ranged from $\frac{1}{2}$ franc to 2 francs for every 100 kilogrammes, with an addition of 3 francs a-ton when brought from European entrepôts. A further levy of 1 franc a-ton, as quay dues, embraced every vessel, whether French or foreign, and therefore no special complaint could be made in respect of it. She also levied a tax of from 30 francs to 60 francs a-ton upon every vessel admitted to registration built out of France. With that tax, probably, the French shipowner alone had to do; and if he were satisfied to pay 10 per cent more on new vessels, and from 20 to 30 and even 40 per cent more on old vessels, that was his question. He must soon find out that in the competition of these days he was too much overweighed to hold his own—he would be carrying a load which no energy or enterprise could overcome. It was quite true that a tax upon raw material equally affected the consumer; but

it would have this additional disadvantage—that it would drive the flag of England from the import trade of France, resulting in an enhanced rate of freight to that country, because the tax amounted to from 20 to 50 per cent upon the freights, according to the countries from which the merchandise came. Was it possible, under these circumstances, for the manufacturers of the raw material in France to compete with the manufacturers of Germany, England, and Belgium? A Return, which he held in his hand, showed that the amount of shipping engaged in the foreign trade of France last year was 11,000,000 tons; 4,000,000 tons carried the English flag, 4,000,000 carried the French flag, and the remainder was distributed among other nations, for the larger part having treaties. Now, if the English tonnage—which was about one-third of the whole—was excluded, the inevitable result must be to give greater employment to favoured nations' ships—to raise freights, and thus enhance the value of the raw material to the French manufacturer. If France was pursuing this policy to benefit her own commerce and her own shipping interest we might not have any ground of complaint; but it so happened that seven or eight of the principal maritime nations had treaties with France which had several years to run, and which placed the shipping of those nations upon the same footing as the shipping of France, and the shipping of those nations was free from the differential dues levied on the shipping of England, which were so high as to be actually prohibitory. What was more curious still was, that these nations were the very nations from which France had most to fear in competition; and on that point he had no worse authority than the words of M. Thiers himself—

"It was not the shipping of England that France feared, but it was the shipping of those countries in which wages, food, and shipping were low and cheap, and which were, therefore, able to undersail the shipping of France."

At an interview with Lord Lyons, M. Thiers himself said—

"It was not against the competition of English vessels that the French mercantile marine chiefly required protection. Its most formidable rivals were the smaller merchant navies—such, for instance, as those of Italy, Greece, Sweden, Norway, and Germany—whose ships were cheaply built, and took freights which English vessels would hardly accept; it was the competition of these ships which would destroy the merchant

navy, and against which protective measures were imperatively required."

It was strange that, with these opinions held by M. Thiers, so great a blunder had been committed that the very nation he did not fear in competition was the very nation excluded; while the nations that were feared—Germany, Austria, Italy, Sweden, Norway, Portugal, Holland, and others—were under the favoured nation clause. It was so clearly shown, by the evidence given before a Committee of this House which sat in 1859 or 1860, that the amount of extra freight caused by these differential dues was the exact measure of the increased cost of the raw material in France, that the French Government added a Supplemental Convention, which provided that jute and cotton from India and wool from Australia should be put on the most favoured nation footing. The evidence was instructive, and was as applicable now as it was in 1859. His hon. Friend below him (Mr. Liddell) put a question to one of the witnesses, and the answer was that the freight of jute from Calcutta to England was £3 per ton, and to France £4 16s.—which was equivalent to a differential duty of £1 16s. per ton; in other words, a French ship got £1 16s. a ton more than an English ship did. The price of jute in Calcutta was £18 15s. if laid down in Liverpool, and £21 if laid down in Havre. New trades, too, had sprung up in France since the Commercial Treaty was signed, and had been brought under his notice by French merchants. One of these was the trade in rapeseed, because British ships could bring it in at a low rate with cotton. That was an advantage to oil consumers; but it could no longer be carried on in British ships, which were almost exclusively engaged in this trade. So with regard to saltpetre and rice, which had been brought as ballast in cotton ships, and at a low rate of freight. These articles were the productions of our own Possessions—our own Empire; but, strange to say, English ships, by our present commercial relations with France, were precluded from carrying our own products to France, while the shipping of all maritime nations having treaties with France in our own ports not only competed with us, but took every ton of goods, while our vessels were wholly unavailable for that trade; and remember, that the flags thus favoured were those which M. Thiers himself had declared

were the greatest competitors of France—those she most feared. If England were the greatest enemy France possessed, in place of a warm ally, she could not have adopted a policy more unfair to this country, or one more likely to strangle her own commercial prosperity, than that which he had described. The French trade with England was only about one-tenth of the trade of this country, while the English trade with France was one-fourth of her entire trade. Then if they compared the exports and imports of France with England for the four years preceding the Treaty with the last four years for which statistical Returns were completed, they would find that 22,500,000 tons had grown into 58,000,000 tons, or an increase of 158 per cent; while the total foreign trade of England in the same periods only increased 67 per cent. If they turned to the tonnage of France, which before the Treaty was 2,800,000 tons, it too had swelled up to 4,680,000 tons previous to 1869; while the coasting trade of France, which was a monopoly confined to the French flag, had declined 15 to 20 per cent in the same time. He would now state to the House why he considered France was not justified in adopting towards England this ungenerous and unfriendly policy. In the first place, it was contrary to the assurances of the Government of that country; for in the earlier stages of this Correspondence it would be noticed that M. Thiers and every Member of the Government who wrote or spoke on this question assured the Foreign Minister of England, through Lord Lyons, that whatever occurred, England would not be put on a worse footing than any other nation. On the 21st July Lord Lyons conveyed to Lord Granville M. Thiers' words—"He asked no concession from England which should not equally be obtained from other Treaty Powers." Again, speaking of M. Thiers, he assured me—"No country should be placed in a more advantageous position than England." The policy adopted, however, was entirely at variance with these assurances. His second objection was, that the levying of differential duties on merchandise imported into France under the British flag was a direct violation of the Supplemental Convention of 1860. That Convention provided that any concession granted to *treaties* to any other country should

also be extended to England; while the original Convention declared that each of the High contracting Parties should give to the other all the advantages that either of them could give to a third Power. Her Majesty's Government, moreover, had, after consulting the Law Advisers of the Crown, deliberately declared to the Government of France that it was a violation of the Treaty. Despatch No. 92 left no doubt whatever as to the position of Her Majesty's Government on this question. It said—

"As the duties proposed to be imposed are to be levied not on the ships, but on the cargoes according to weight, they are duties on the importation of goods within the meaning of the Vth Article of the Convention of the 16th of November, 1860, and that having regard to the Treaties France has concluded with Austria and Sweden, no such duties can in the view of the British Government be imposed on goods imported in British ships, while such Treaties remain in force."

He knew that exception was taken to this view by the Government of France; but, as we were advised, no such duties could be levied so long as other Powers enjoyed the immunity secured by treaties. The third ground on which he took exception to the policy of France was one not alluded to in any way in the Correspondence between the two Governments, and he took for granted that it had not been present to the minds of Her Majesty's Ministers in dealing with this question. On the 11th July, 1866, a treaty was made between Portugal and France, extending to the shipping of Portugal all the advantages conferred upon the French flag; and an Imperial decree of July 27, 1866, guaranteed to England that the same privileges should be conceded to her shipping. He could not find that that decree had ever been withdrawn. It was true this Treaty was once called a Treaty of Navigation, and again of Commerce and Navigation; but the Treaty would be found recorded in the official register of Laws, No. 1521, as of Commerce and Navigation—call it, however, by what name they would, it was declared applicable to England, and the decree had never been annulled. The fourth and last objection he had taken was one to which he attached more importance than to any other; and he could not help thinking that by a high-minded and sensitive nation like France it would have greater influence than any he had previously stated. In 1866, when France opened her navigation laws she did so on

one condition—that only those nations which returned perfect freedom to her should confer complete reciprocity in return. It was not unnatural that under those circumstances England should claim the right of free navigation from France; but France refused it, stating that there were exemptions and inequalities in the English ports, which subjected the traders of France to taxation from which our own citizens were free. That was so; but a measure was at once passed in this House for the purpose of purchasing all those inequalities and exemptions, and we actually paid as much as £1,600,000 for that object. England, having thus fulfilled her part of the contract, was admitted to the privileges enjoyed by the French flag. Now, his contention was—and he advanced it as the strongest part of his argument—that England had purchased her maritime freedom, and it was not within the province of France to withdraw from the engagement without violating the honourable understanding which had been come to. Now, he should just like to turn to the future for a moment, for he found that throughout the French despatches the future was constantly in the mind of the French Minister, who always appeared to be considering whether England would retaliate. France, however, received from England an assurance that there would be no retaliation, and that the denunciation of the Treaty would make no difference in the friendly feelings of England towards France. M. de Remusat says, in Despatch 75—

“We accept with perfect confidence the assurance that England, faithful to her principles, will never return to the retaliating duties of a previous age.”

Lord Granville, over and over again, repeated the friendly pledges; but he asked hon. Members whether they did not perceive, in contrasting the tone of the earlier despatches with the later despatches of Lord Lyons, that there was a cooling in the feeling between the two countries? It was impossible that it could be otherwise; and he asked, whether it was wise or consistent with the actual state of the case that the English Government should persistently tell the French Government that the denunciation of the Commercial Treaty would make no difference in the relations between England and France?

He certainly thought it was a mistake, and that it would have been fairer to France if they had faithfully told its Government that, as certainly as with the Treaty had grown up a common intercourse and a mutual interest in each other's welfare, so as certainly with its termination must these sentiments diminish. They would have shown a truer appreciation of the real issues involved, and they might not now have to lament the absence of their commercial bond of union. What said the Foreign Minister of France, in despatch 36—

“It would produce a considerable disturbance in the commercial relations of the two peoples, and a cooling of the political relations of the two Governments.”

What was the action taken by Spain when informed of these differential duties? Why, when Spain, who had no commercial Treaty with France, was told that these differential duties would be levied in France on her shipping, the Spanish Minister threatened to return to the old navigation laws of his country and levy duties on French shipping, and the result was that the French Government had actually exempted Spanish vessels from contribution, while it was vexatiously enforced against the shipping of England. With regard to retaliation, if the great injustice to which he was now calling the attention of the House continued, a great change might come over public opinion in this country, and a demand for retaliation, which it would be impossible to suppress, might arise. He did not mean by retaliation the reverting to the differential duties of a previous age; but there were many ways of retaliating besides direct ones—already some were pressing on public attention. Take Portugal, as an illustration. France, by a liberal Treaty with Portugal, had completely diverted our woollen trade to Portugal. Remove the alcoholic standard by which we now levy duty on wines, and place the wines of Portugal and Spain on the same footing as the wines of France—the result of such a measure would be the loss to France of the woollen trade with Spain and Portugal, and its restoration to England. There were other ways which he might point out, if time permitted, for promoting our own interests, and which would inevitably be resorted to if France refused to do justice to us. He would conclude with a Motion, to which he believed no exception

could be taken; a Motion, indeed, which might equally as well have been submitted to the French Chamber of Deputies as to the English House of Commons. He hoped that it might not be supposed that he wished to interfere with the province of the Executive Government of this country, who had declared that the levying of these duties in France would make no difference in the friendly feeling of England, and therefore he desired to appeal to the public opinion of France. He would like to see that public opinion exercise its influence on the French Government, and endeavour to bring them back to a policy which had done France infinite credit; and he was glad to see some indications that that was the case, for the able Representatives of Bordeaux and Marseilles had strongly protested against the present policy of France—the great centres of commerce in France had remonstrated, and within the last few days the Deputies of Havre had been excluded from the Chamber of Commerce of that city because they were instrumental in passing the vexatious and obnoxious law of 1872. These were the hopeful signs which justified him in appealing to the public opinion of France as to whether this policy was wise or just. He believed that it was neither one nor the other. He was thoroughly persuaded that if it were persisted in it would prove, not only injurious to British commerce, but more disastrous to France than the Armies of Prussia had been, and must inevitably impair a friendship which, in the true interests of both countries, it was very desirable to foster and extend. It was in that belief he ventured to submit a Motion which was unexceptionable in its terms, but which would enable the House to record its opinion upon the important question at issue. The hon. Member concluded by moving the Resolution of which he had given Notice.

MR. LIDDELL, in rising to second the Resolution which had been so ably moved by his hon. Friend (Mr. Graves), said, he believed there was not a single commercial man either in or out of the House who would not regret that the existing Treaty was about to lapse. Not viewing the question merely as it affected particular interests, but taking a broader view, it was a matter for deep regret that a great international bond of union was about to be severed

by the abrogation of this Treaty, which had in the course of a few years created a European Zollverein; for such treaties were the best guarantees we could have of peace, being, as they were, the cause of intimate friendship between the commercial men of both countries, whose influence would always be on the side of peace. Moreover, he was afraid, when it became known that the first link in the chain of these alliances had been broken with the sanction of England, it would have a bad effect on the *morale* of other countries in their desire to strengthen the chain. He was further sorry that the warning tones of their own Ambassador had not had a weightier influence on the Government. M. Thiers, himself a Protectionist, told Lord Lyons that, in his opinion, the Treaty should be preserved, for to do away with it would throw the international commercial relations back into chaos. He (Mr. Liddell) did not wish to see that deplorable result ensue. Then, again, the French Minister of Commerce, a Free Trader, stated that the sweeping away of the Treaty would only encourage the Protectionists of France. He (Mr. Liddell) did not want to encourage them, believing that the bonds of trade and commercial relations were the means of framing those friendships which were the strongest bulwarks of national union. In that sense he considered that the French Protectionists were not the best friends of England; whereas the French Free Traders undoubtedly could be claimed as such. He regretted that the matter had been discussed with France on the basis of principle rather than on the basis of figures and results; and more especially when they considered the present financial position in which France was placed as one of the contracting parties; for a stern declaration of principle was not calculated to convince; but if it could be shown that the French were gainers by the Treaty, that might have some weight with them. And it could be proved beyond question that the French were gainers by the Treaty. The tonnage of ships having direct trade with England had enormously increased, and this alone would be a conclusive argument with some. With regard to the question of "principle," Mr. Cobden, who negotiated that very Treaty, and as true a Free Trader as any Member of the present Government, always went on the principle,

Mr. Graves

When he could not obtain all he wanted, just to take as much as he could get. It was not unnatural that the statesmen of France, at a time of unexampled pressure, should turn to Customs duties in order to meet the pressure which was put upon the resources of the country. The amounts they had hitherto levied from that source were small as compared with ourselves and the United States; but it was to the mode in which those duties were to be levied that objection was chiefly to be taken. What would be the effect of the new policy on France? The imposition of heavy duties on the raw material, though it might for a moment benefit the French manufacturer, must be paid for by the general consumer in the shape of higher prices, and that at a moment when the country was suffering under the burden of £25,000,000 of new taxation at least. Was not, he would ask, to raise the price of almost every article of common consumption a most suicidal policy under those circumstances? The result of the raising of the duties had been that a contraband trade in foreign articles had sprung up in France, and especially in the Provinces bordering on the Belgian frontier, to an extent which was wholly without precedent. He found that the imports of coffee during the first two months of 1870 amounted to the value of 13,000,000 francs, while in the corresponding months of 1872 they had, he believed, fallen to the value of 500,000 francs. He also found that the imports of colonial sugar during the first two months of 1870 amounted to the value of 13,750,000 francs, and that they had in 1872 fallen to the value of 11,750,000 francs. The value of the cocoa imported had in like manner fallen from 1,750,000 francs to 500,000 francs, and of tea from 266,000 to 116,000 francs. There was, therefore, a very remarkable falling off of Customs Revenue, so far as all the articles of consumption among the lower classes of the people were concerned. So great, indeed, was the amount of contraband trade that Petitions had been presented by the various Chambers of Commerce to the Government, imploring them to re-consider their decision. Under those circumstances, he thought it most desirable that an expression of opinion should go forth from the English Legislature showing that they felt for the

people of France—that they considered them weighed down by an amount of taxation which had been rendered necessary by the war, and which was wholly unparalleled in the history of that or any other country; and that the French Government were taking that opportunity of making the consumers pay dearly for every article which they used. They ought to consider the difficulties of the French position, and he regretted that more conciliation had not been shown in the negotiations, believing that if that had been the case the results would have been more favourable, and that the Treaty might have been saved, even at the sacrifice of a certain amount of rigid principle. He was glad, however, to find one consoling passage in the negotiations which had taken place, and that was the expression of Lord Granville, that although the Treaty had been denounced that did not stop the negotiations; and he on that ground hailed with satisfaction the Motion of his hon. Friend behind him, for he believed that a friendly voice issuing from that Assembly, to the effect that the best interests of France were imperilled by the new policy, would strengthen the hands of those in that country who had steadily resisted the alteration of the law, as well as the hands of Her Majesty's Government in dealing with the subject. Taking that view, he most cordially seconded the Motion.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the recent action of the French Government in imposing 'Differential Duties' on merchandise carried in British Ships in the 'Indirect Trade,' is inconsistent with the policy mutually agreed upon between the two Countries in 1866; and that such policy, whilst likely to entail serious injury upon French Trade and Manufactures, is calculated, in the present circumstances of the 'Carrying Trade,' to inflict injury upon British Shipping, and to impair the relations and intercourse between the two Countries, which have grown up under recent commercial arrangements, more especially when it is considered that other European flags are (under Treaties recently made with them) free from the restrictions now imposed upon British Shipping,"—(*Mr. Graves*),

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. NORWOOD said, that when the Motion of the hon. Member for Liver-

pool (Mr. Graves) was put on the Paper some weeks ago, he believed it had reference to a grievance which was severely felt by the shipping interest, and he came down to the House prepared to indorse the statements of the hon. Member in support of the allegations which he had made, and with which he entirely agreed. But he had been somewhat taken aback by the speech of the hon. Member, for it opened up questions he did not think were raised by the terms of his Motion as it stood on the Paper. He could not, for instance, agree with the interpretation which his hon. Friends the Mover and Seconder of the Motion before the House put upon the conduct of Her Majesty's Government in reference to the matter, for the whole of the Correspondence showed that Her Majesty's Government were deeply sensible of the unfortunate financial position in which France had been placed by the late war. Indeed, the Government, so far from saying, as had been imputed to them, that nothing would induce them to modify the Treaty, had expressed great willingness to consider any proposals of a purely fiscal character calculated to relieve the French Exchequer. The whole argument, however, of M. Thiers during the negotiations was, that France detested the Treaty on the ground that it had injured her commerce, but that she was willing to modify it not for her own benefit, but for the advantage of British commerce, and in order to maintain her own friendly relations with this country—to which Her Majesty's Government replied that this country had derived no special advantages from the Treaty, and that it was impossible for them to turn their backs upon the commercial policy which had been so successful in this country for many years. The hon. Member for Liverpool and his Seconder had made some extraordinary economic statements; but they had also destroyed the arguments which they themselves brought forward, for instead of continuing what he was about to call their cursing of the policy pursued by Her Majesty's Government they had turned round and blessed that policy, characterizing the course followed by the French Government as one which could not fail to end in disaster to that country. He, for one, concurred in the terms of the Motion which had been brought forward; but he was surprised

Mr. Norwood

that it had been made the shield from behind which to level an attack upon Her Majesty's Government and the Free Trade policy which had been so successfully carried out in this country. There was, however, a complete answer to one branch of the attack made by the hon. Member for Liverpool. The hon. Member said Her Majesty's Government had always allowed it to be believed that nothing would induce them to alter the Commercial Treaty arrangements with France, notwithstanding any action that might be taken by that country in respect to our commerce; whereas the words of Earl Granville in a despatch to Lord Lyons, dated 19th January, were, that whatever course the French Government took with regard to the Treaty, Her Majesty's Government would never dream of resorting, by way of retaliation, to a Protectionist policy; but, at the same time, the noble Lord adverted to the unreasonableness of the French Government in expecting the Government of Great Britain to continue in the observance of those provisions of the Treaty which interfered with the fiscal liberty of this country. Passing on to the Motion before the House, he (Mr. Norwood) must express his strong conviction that the conduct of the French Government in relation to the differential duties on British shipping was hostile in character and not for a moment to be defended. He admitted, as a general principle, the right of the French Government to change their fiscal policy as the altered circumstances of the country required it; but he maintained that these differential duties ought not to have been levied until the expiration of the Treaty. As an illustration of the hardships inflicted by these duties, he might mention that quite recently an order was transmitted from London for the conveyance of flax to France from Russia; but English and Danish ships were excluded from the charter, because of the differential duty they would have to pay; and in an order for a steamer to convey sugar from Manilla to Marseilles a British flag could only be accepted at 20 francs per ton reduction. Although British shipping was thus placed under serious disadvantages the French people would themselves suffer heavily from these duties, in consequence of the increased price they would be called upon to pay for their imports, and this would be specially the case when deficient

harvests in France called for large imports of grain from the Black Sea and Baltic. The British Government, moreover, had, up to the present time, paid upwards of £1,600,000 in extinguishing local differential dues on foreign shipping, and therefore they had a right to ask in return that France would abstain from imposing restrictions upon British commerce. As the hon. Member for Liverpool had introduced party politics into his speech, it would be well to remind the House that this large expenditure was chiefly incurred by a Conservative Government, and to express an opinion that the Government in question made a mistake in not availing themselves of the opportunity in 1867 of negotiating a Treaty of Navigation between the two countries. By remaining staunch to the principles upon which this country had for years carried on its commercial proceedings Parliament would strengthen the hands of the Government in any future action on the subject, and foreign countries would see that we had not been induced to abandon our principles by any temporary advantage which a renewal of the French Treaty might possibly have given to our manufactures. The Free Trade party in France was strengthening day by day, and only a fortnight ago M. Thiers was defeated in his own Assembly on a question connected with the taxation of raw materials. It should be borne in mind, too, that although a retaliatory policy was altogether out of the question the abrogation of this Treaty set us at liberty just as much as it did France, and that if the Treaty were allowed to expire within the next few months, we could pursue whatever fiscal policy we might deem most conducive to our own interests. He was not sorry for that, for he had long been of opinion that it was our minerals—coal and iron—which made us the foremost commercial nation of the world, and, surely, we might fairly debate whether it was wise to part rashly and hastily with this great birthright? By-and-by some one might suggest in that House—and some Minister might think it right to consider—whether we ought not to be chary in allowing foreign nations freely to take our coal in order to manufacture articles in opposition to us. The hon. Member for Liverpool had alluded to Spain and Portugal. Now, he had always thought our wine

duties were not fairly assessed as regarded those two countries. There was in Spain and Portugal an abundance of generous and good wine which we never saw in this country, but which our middle and lower classes would be very glad to have. The Spaniards and Portuguese, too, were of opinion that the 1s. duty was a great bonus to France and unfair to them, and he was bound to say he rather agreed with them on this point, especially as the alcoholic test was no longer supported even by financiers, the manufacture of spirits out of wine being known to be a costly operation. Therefore, if the French gave up the Treaty and our goods were shut out of France, it might be wise to try to find new markets. Supposing we were to impose a uniform duty of 2s. a gallon on French, Spanish, and Portuguese wines, the English people might be greatly benefited, our trade largely increased with the Peninsular, while France could not, under the circumstances, raise an objection to such a proceeding. His hon. Friend had entered upon debatable ground, and, while he differed from him on many points, he agreed with him in others, and in none so fully as in the generous sympathy he expressed for France. He should be only too glad to see her raised from her difficulties and receiving reasonable assistance from us; but, at the same time, he was of opinion that we, as a great Free Trade nation, ought not to turn our back on the policy we had adopted, and to give other nations reason to believe that we did not place entire confidence in our policy of Free Trade.

MR. BIRLEY said, the hon. Member for Hull (Mr. Norwood) had regretted some debateable points which, as he alleged, had been raised by his hon. Friend the Member for Liverpool (Mr. Graves); but he ventured to say that the last thought in the mind of his hon. Friend was to raise a party question on the present occasion. It would be a great mistake to suppose that the cost of an article to the manufacturer or consumer was to be measured by the rate of freight. It was of the highest importance to a commercial country to possess seaports and great *entrepôts* for storing the produce of other countries and its own manufactures. These were the markets which attracted traders from all quarters, and which gave the greatest commercial stimulus to the manufactures

of this country. It was in this way that Manchester and Liverpool acted and reacted on each other reciprocally, and it should have been the study of the French people to have made Havre and Marseilles great emporiums like Liverpool. There was no point on which the French manufacturers dwelt so much in the great inquiry before the Imperial Commission some years ago as the cost to which they were put in bringing their raw material from foreign parts to the manufacturing towns of France. That enhancement of the cost much exceeded the freight, and he maintained that the interest of France in the Commercial Treaty was far greater than that of England, though that of England was pretty considerable. With regard to the recommendations of the Manchester Chamber of Commerce, he would remark that the cotton trade of Lancashire had been much disappointed with the action of the Treaty. It was supposed that very great benefit would accrue to that trade, and that the exports to France would be very large indeed; but that expectation was not fulfilled, and the Manchester Chamber of Commerce, feeling it would be dangerous and objectionable to go back from the principle on which we set out—namely, that we would not be parties to the increase of duties—advised the Government not to depart from that principle. He greatly doubted whether we possessed sufficient information to enable us to take a clear view of the action of the Treaty. Two years ago there seemed to be an instinctive objection to any inquiry as to the results of the Treaty, lest it should be proved that the benefit to this country had so largely exceeded the benefit to France that the French Government might be inclined to raise their duties. He was tempted to ask where our Board of Trade was? It appeared to him to have become almost effaced. The Foreign Office had taken a certain degree of action in this matter; but that Office knew very little about commercial subjects, although he wished to join in the tribute which had been already paid to the zeal and ability of Lord Lyons by the commercial community, and must say that the noble Lord had fully maintained the high character he had won for himself in so many foreign appointments. While differing in some respects from his hon. Friend the Member for Liverpool, he should

Mr. Birley

fully support the Motion, because he believed that every word of it was strictly accurate, and that we had great reason to complain of the conduct of France in regard to the differential duties imposed on our shipping, and to regret the decision she had arrived at with regard to the Treaty.

MR. CARTWRIGHT said, he did not pretend to have any great technical knowledge of the subject under notice, the importance of which was much greater than a merely technical consideration of it would imply; but he wished to point out that there was some discrepancy between the Resolution as it stood on the Paper and the speech in which it had been introduced, for the Resolution had reference to the navigation duties, but the Commercial Treaty had been mixed up with them in a manner which was foreign to the subject, and what British interests were suffering from at present was the action of the French Government in regard to the navigation duties. The subject was a very large one, and opened up the question whether the course which we had taken during the last 20 years as pioneers in the cause of Free Trade was the right one, or whether a pedantic adherence to some of the principles of Free Trade had not prevented us acting in its spirit. In fact, the Commercial Treaty was one thing and the navigation duties another, and our whole rights with regard to the navigation duties were regulated by the Treaty of 1826, which was made in the time of Lord Liverpool, and was limited simply to direct trade. Down to 1860 nothing whatever passed between France and England with respect to commerce, and the Treaty of that year was absolutely a commercial Treaty. A few months subsequently, however, there was a supplemental Convention, and that was the Alpha and Omega of our International relations with France in regard to navigation duties, for by that Convention articles could be carried into France in British bottoms, though those articles did not come direct from England. The Treaty of 1826 regulated the direct trade, and everything outside the direct trade was, of course, outside that Treaty. There were Treaties with Belgium, the Netherlands, and Portugal, and in 1866 the Austrian Government had concluded a Treaty with France in which the indirect

trade was thrown open prospectively to Austria, and certain concessions had been made upon our part, to which the hon. Member for Liverpool had alluded. But why, he should like to know, had money been expended by us in the case of these navigation duties without our having obtained a receipt? It appeared to him that the action of our Government on that occasion resembled the conduct of a man who paid money over the counter, but did not take a receipt; and that we had only to blame ourselves for being debarred from those benefits which must accrue until the Austrian Treaty had expired to all those other countries which were in possession of the carrying trade of Europe.

VISCOUNT ENFIELD said, he could assure the hon. Member for Liverpool (Mr. Graves) that he entirely concurred in the remarks he had made, and the sympathy he had expressed with France under her commercial and financial embarrassment; and he shared with him in the regret he expressed that she had thought fit to make those changes in her navigation laws which had proved so detrimental; but, on the other hand, he could not agree with him when he said that during the course of the negotiations between this Government and that of France during the last 12 months, we had sternly refused all overtures on the part of France for the modification of the Commercial Treaty. On the contrary, he thought anyone who went through the Correspondence on the Table must come to the conclusion that although Lord Granville had expressed in the name of the English Government his sympathy with France under her present condition, and his anxiety as far as in him lay to assist her under her fiscal difficulties, still he felt as a Minister of the Crown and the English people he could not agree to those proposals which were of a retrograde and restrictive character. As there had been no discussion up to that time with reference to the part which the Government had taken with regard to France during these negotiations, it might not be inopportune to review very briefly the course which the Government had pursued on the question of the modification of the French Commercial Treaty; and afterwards glance at that portion more immediately connected with the changes which France had made in the

navigation laws. It was nearly a year ago that Lord Lyons was informed that probably some change would be proposed by the French Government in the Treaty of Commerce with England made in 1860, but the negotiations were not fairly commenced until July last year, when M. Ozeune came over from Paris, and made certain proposals, which were in the first instance considered to be so vague that certain questions were addressed to the French Government, to which a categorical reply was asked on the part of the English Government. It was not until three applications had been made that any reply was received; but in the meantime, while the assent of the French Assembly to the imposition of the duties on raw material was doubtful, the French Government were frankly told that it rested with them when they pleased to announce the denunciation of the Treaty. The French Government complained that our answer had been delayed, and stated that as they could not agree to our proposals no resource remained but to denounce the Treaty. But our Government could not agree in the assertion that they had by any delay at all cumbered the action of the French Government. They explained to the French Government the great magnitude of the commercial interests involved, pointed out the necessity of frequent consultation with our Chambers of Commerce, and reiterated their inability to accept proposals of a Protectionist tendency. While these negotiations were going on, however, M. Thiers stated in the French Assembly that under the Treaty France had a right to impose duties on raw materials, and in return attention was drawn to the fact that the Treaty required that corresponding Excise duties should be imposed on similar raw material produced in France. The negotiations continued, and at last it was suggested that matters which did not require the consent of the French Assembly might still form a basis of negotiation between the two Governments. Lord Granville, in reviewing the final policy of the Government, in regard to these last proposals, stated that Her Majesty's Government could not depart from the general principles of Free Trade, which formed the basis of the commercial policy of the Treaty, and that the denunciation of the Treaty would be a step towards its extinction, although it would

not necessarily preclude further negotiation. In fact, the negotiations continued until within a week of the 15th of March, when the denunciation took place; and there was no ground for the apprehension of the hon. Member for Liverpool (Mr. Graves) that in consequence of the denunciation coldness would arise between the Governments, for M. de Rémusat, in announcing to the Secretary of State the result, expressed a hope that the cessation of the Treaty, if it must be final, would not be followed by any lessening of the intimate relations which had existed for so many years between France and England, and the maintenance of which was of so much value to both nations. Arrangements were consequently made for its terminating that day year, during which time negotiations might continue; and, at the same time, assurances were repeated that there was no intention of returning to a more Protective system than the one set forth in the hitherto rejected proposals. He (Viscount Enfield) thought it would be admitted by the House that although the French Government might feel some disappointment in the matter, yet that Lord Granville, acting in entire consistency with the duties imposed upon him, could not very well agree to the modifications proposed, and was perfectly justified in not accepting the proposals of the French Government, they being of a retrograde and Protectionist tendency. He would refer now to the question more immediately brought under the notice of the House by the Motion of the hon. Member for Liverpool with regard to the changes which France had made in her navigation laws injurious to British shipping, and with regard to which it might be said that the Treaty of 1826 related solely to the direct navigation between Great Britain and France, and might be terminated at a year's notice. The Treaty of Commerce of January 23, 1860, however, expressly reserved French differential duties in favour of French shipping, in Article 3. By the supplementary Convention and the annexed tariff of November 16, 1860, British and French vessels might carry to France jute and cotton from British India and wool from Australia on equal terms. British vessels were also allowed to convey to France these commodities from British *entrepôts*. Subsequent to the repeal of the English navigation laws

Viscount Enfield

in 1849 complaints were made on both sides of the Channel as to certain restrictions which pressed relatively upon the shipping of both countries. Explanations ensued, and in doing so, the French objected to certain "local exemptions" in some parts of the United Kingdom. These freed vessels belonging to certain ports, and not others. A French law of 1866, however, enabled the Government to relieve foreign shipping from previous differential treatment on condition of reciprocity. Correspondence ensued, and Her Majesty's Government applied to Parliament to extinguish these exemptions, and the French Government in return extended benefit of the new law to British shipping. Its provisions were—1. The suppression of tonnage dues in French ports from January 1, 1867, except when levied for improvements on all ships alike. 2. The suppression from May, 1869, of "*surtaxes de pavillon*" or surcharges on the flags. Both countries carried out these arrangements. The French Government fulfilled their engagements to English ships by the decree of June, 1866, and the English Government passed a Bill through Parliament to abolish the local exemptions complained of, pecuniary compensation being granted to the parties whose rights were affected thereby. When Lord Lyons reported the introduction of the Bill to repeal the law of 1866, he was instructed to remonstrate on the probable injury to British shipping interests. M. de Rémusat and M. Thiers disclaimed any intention of placing British shipping at a disadvantage. The new law was promulgated on the 2nd of February, and by it [Blue Book, page 147] "*Surtaxes de pavillon*," surcharges on the flag, or differential duties, were imposed as follows:—1. On goods imported into France in foreign vessels from European countries and the basin of the Mediterranean. 75 centimes per 100 kilogrammes weight. 2. From countries out of Europe this side of Cape Horn and Cape of Good Hope, 1 franc 50 centimes. 3. From countries beyond the Cape, 2 francs. *Surtaxes d'entrepôt*, 3 francs per 100 kilogrammes, were imposed on goods the produce of countries out of Europe on importation into France from *entrepôts*, warehouses, or market-places in Europe. The Customs circular issued, moreover, defined the new law as strictly applicable

to British shipping only, for Austria, Belgium, Italy, Holland, Portugal, Sweden, Norway, Zollverein were exempted in virtue of Treaties. Her Majesty's Government at once remonstrated on these grounds—(1.) Unfriendly character of the policy of imposing this differential treatment on British trade in comparison with other countries; (2), as being opposed to the arrangement come to in 1866; (3), as being differential duties on merchandise, not on ships, in fact Customs and not navigation dues, from which England might claim exemption under the "most favoured nation" Article of the Treaty of 1860. By the French Treaty of 1860, Article 3, it was understood that the rates of duty mentioned in the preceding Articles were independent of the differential duties in favour of French shipping, with which duties they should not interfere. The local exemptions were—(1.) Exemptions in favour of freemen, which were expiring daily, and which were only reserved for those who were living and had claims in 1835. (2.) Exemptions in favour of ships registered at particular ports. (3.) Exemptions in favour of persons residing at particular ports. The effect of the proceedings of the French Government on French trade was most unfavourable. Consul Mark, writing from Marseilles, pointed out the disastrous effects which this law on the Mercantile Marine would have on the trade and commerce of that port. He said—

"The heavy '*surtaxes de pavillon*' will stop the large carrying trade hitherto carried on by British and Greek vessels in the Mediterranean, and will drive it into the hands of the mercantile navies of France and Austria, which, however, are not large enough to supply the great demand. A consequent rise in freights will take place, and the French consumer will be the ultimate loser."

The new duties on the transfer of ships to the French flag were also a bar to the purchase of foreign vessels—of which large numbers built in Canada had been annually bought—and Consul Mark added—

"In 10 years the shipbuilders of France could not supply the deficiency. Should the ensuing harvest in France be short, serious inconvenience therefore would be felt throughout the country from the want of vessels to convey corn from the Black Sea and elsewhere to meet the want; and Marseilles must either cease to be the great grain and wheat emporium it was now, or the new duties must be renounced as quickly as they had

been imposed. British vessels had been largely engaged in conveying oil seeds to Marseilles for its soap manufactories. This trade would now cease, and great injury be caused to those engaged in it. The amount of shipping in the Port of Marseilles and other French ports had greatly diminished, and the commercial community at large were loudly protesting against the new taxation."

The question for the House, therefore, was whether they would agree to the Motion of the hon. Member for Liverpool; and with regard to that, if Her Majesty's Government had from the first been remiss in representing to the French Government the injurious effect which the navigation laws of France would have upon our shipping, he could understand that the House would be anxious to accept the Motion; but the Correspondence would show that the Government had been as strong in their opinions as the hon. Member himself. The Correspondence, in fact, was not yet closed, for within the last 10 days further communication had passed, and the Secretary of State had not neglected to reiterate his objections, and to urge as forcibly as he had done in the despatches of the Blue Book the injurious effect which the policy of the French Government would have upon our shipping. He (Viscount Enfield) hoped, therefore, the hon. Gentleman would accept the assurance that the subject was not closed, and though it would be premature and hazardous to affirm that our representations would have the desired effect, he could say that no effort would be spared by the Secretary of State to press on the French Government how wise and just it would be both in their interest and in our own to relax the restrictions now imposed upon British shipping.

Mr. STEPHEN CAVE said, that the hon. Member for Hull (Mr. Norwood) had expressed surprise that the Motion of the hon. Member for Liverpool (Mr. Graves) had been converted into an attack on Her Majesty's Government. But if it could be called an attack on the Government it must be admitted to be a very moderate one. The hon. Member for Hull, however, attacked the preceding Government on account of the negotiations which were carried on with the French Government in 1866 and 1867. He should be glad to assume the entire responsibility of those negotiations, but it did not belong altogether to the Government of which he was a

Member. The negotiations had been commenced before that Government came into office, and the credit belonged to that extent to the Government which preceded them. In 1866 the French Emperor of his own will abolished certain tonnage dues in French ports which bore hardly on foreign shipping, and in doing so he expected that the nations concerned would give a corresponding advantage. There were in certain English ports exemptions which placed vessels belonging to particular corporations and classes in a more favourable position than all others, including, of course, the French. The Emperor said unless we abolished these privileges, he could not extend to English ships exemption from French dues. As the hon. Member for Hull had pointed out, these privileges were equally disadvantageous to vessels trading from Bristol to Hull as to vessels coming from Havre or Bordeaux. These exemptions were bad in themselves, inasmuch as they gave a monopoly to individuals. Therefore, when they were abolished we abolished hindrances to our own trade as well as to the trades of foreign countries. When it was said we had paid our money and taken no receipt, this did not accurately state the nature of the transaction. As a matter of fact, we got value before we had paid anything, for the Emperor took our word for our bond; he removed the tonnage dues with regard to England on the 1st of January, and it was not until February that a Bill was introduced to abolish the exemptions. Each trusted the other, and, if anything, the French trusted us the most. The abolition of the exemptions imposed no burden on the Imperial Exchequer, because compensation to the parties who had benefited by them was paid out of harbour dues. In fact, we remitted no payment, but we made all pay alike. What the hon. Member for Liverpool and others felt was that the Government viewed without regret the termination of the French Treaty. An idea had grown up that Treaties of Commerce had gone out of favour with the Government, who wished for Free Trade that should not be hampered by the restriction of Treaties. This was very much his own idea, and Treaties could be justified only when the object was to induce nations to take steps in the direction of Free Trade which they

Mr. Stephen Cave

otherwise would not take. Mr. Cobden never committed himself to the approval of such Treaties in the abstract, though he felt, of course, that there was a justification for the Treaty he negotiated. That Treaty should be considered in relation to the position of the Emperor at the time. The Emperor was a Free Trader, the bulk of the French commercial classes were Protectionists. The Treaty enabled the Emperor to overcome their opposition. Now, however, matters were reversed, and the Government was Protectionist while the bulk of the population was in favour of Free Trade. When all nations were imbued with principles of Free Trade, Treaties of Commerce would be worse than useless. But as yet it was difficult to say what nations were Free Traders, and, after the speech of the hon. Member for Manchester (Mr. Birley) and a Motion made in this House last year, whether our manufacturers were wholly Free Traders; and therefore there might be advantage, not only to ourselves, but also to other countries, in resorting to Treaties to place trade upon a stable basis, and prevent its being interfered with by capricious and interested changes. He would not defend the whole Treaty, many of the details of which were settled in haste. He had already taken exception to its provisions affecting coal, which were not popular in this country, and to the absence of a "favoured nation clause;" but still, if we were to wait until other nations were converted to Free Trade we should have to wait for generations. The Treaty had been of the greatest advantage to France and to this country; but France would be far worse off than us without it. Our commerce was more elastic, and would find new channels. However, the French nation was not now Protectionist. The controversy between M. Wolowski and M. Duchataux showed this; and, so far as popular songs were indicative of a nation's opinions, those of Beranger might be referred to as highly eulogistic of Free Trade. Protection, he wrote, was a stagnant pool; Free Trade a river which carried abundance and comfort to wide districts. Roubaix and Lille had complained of the operation of the Treaty, and denounced Free Trade; but, on examination, they proved to have become wonderfully prosperous under it, and to be rapidly extending their

bounds. The Committee on the Budget appointed the other day contained 21 Free Traders to 7 Protectionists. Our Government was right in refusing to entertain proposals of higher duties, if they were absolutely protective and were not accompanied by countervailing Excise duties. The French Government had hardly learnt the grammar of Free Trade, and they did not see, for example, in the case of the sugar duties, that, while fighting against salaries and pensions, they were, by giving bounties to the refiners, taking a far larger amount of money out of the pockets of the people, and enriching the few at the expense of the many. M. Thiers said the French nation had been ruined by the English Treaty; but M. Chevalier said M. Thiers was the only man in France who believed it. The hon. Member for Hull in mentioning Portuguese wines, seemed to suggest that we might retaliate. He (Mr. S. Cave) thought that retaliation was a word which ought not to be heard in that House on the subject; and, so far as the French Treaty went, we were at perfect liberty to make any reduction in the duties on Spanish and Portuguese wines. The French could not complain if we lowered them. This question had been often considered while he was in office, and it had been considered solely as a question affecting our Inland Revenue. He should be sorry to think that the lowering of the duties on Spanish and Portuguese wines should be considered as a measure of retaliation on France, and that it should not rather be regarded as a step taken by ourselves in our own interests. This particular question, however, might suggest this consideration—that where legitimate trade was impeded, illegitimate trade sprang up. The saying of M. Chevalier that the policy of M. Thiers was protection tempered by smuggling had, he thought, considerable justice in it. The hon. Member for Liverpool had, in his opinion, done good service in bringing the question before the House. The tone of the debate was sufficient to show that we were not disposed to act in anything like a virulent spirit towards France; on the contrary, that we deeply sympathized with her, and regretted to see that she was by her policy aggravating the burden of her heavy liabilities. But the House of Commons was simply stating—that which it had a perfect

right to do—what the effect of the change in French policy would be on this country. There could, so far as he could see, be no more reasonable subject of discussion for a commercial nation. Trade had been very much interrupted in its course by the action of the French Government, but it would, no doubt, find another course before long; so that France would, in all probability, lose more than we should. In the meantime, however, the interruption of our amicable commercial relations with that country was a subject for regret, and it was but reasonable, under the circumstances, that such complaints as the House had listened to that evening should find expression, and that the Government should be asked to make the matter a subject of remonstrance in their communications with the French Government. He hoped very much from the good sense of the French people; but he must at the same time, as an Englishman, protest against our shaping our conduct in the present or in any other case in accordance rather with the feelings of foreign Powers than in accordance with our own convictions. An entirely independent policy was the only policy worthy of a free, a great, and an enlightened nation.

MR. RATHBONE said, he had listened with great pleasure to the speech which had just been delivered from the opposite benches, and that it was because he sympathized most heartily with the French people in their sufferings, and because he sincerely desired their speedy restoration to prosperity, that he was glad to find there was no hint of retaliation from our Government during the progress of the negotiations. He was, at the same time, of opinion that the conversion of the French people to Free Trade—which was, he believed, making rapid progress—would not be hastened by our showing any symptoms of yielding in our principles, or by seeming to cling too anxiously to the Treaty as if it had been made only in our own interest. Though the Treaty had been spoken of as a bargain, it was in reality no bargain at all, and the allegation of M. Thiers that it had been made in the interests of England was far from placing it in its true light before the French people. Let France be allowed to learn her own lesson undisturbed by any violent efforts to retain the Treaty on our part, and he

had no doubt she would find out the direction in which her interests lay.

MR. CHICHESTER FORTESCUE said, the subject was one in which he took a deep interest, and he was the more anxious to make a few observations with respect to it because he had been asked by the hon. Member for Manchester (Mr. Birley) "What has become of the Board of Trade?" That question he must interpret as expressing the surprise of the hon. Gentleman that no despatches signed on behalf of the Board of Trade were to be found in the Blue Book. He should, however, be sorry that the hon. Gentleman should labour under any delusion on that point. The reason why there were no despatches signed on behalf of the Board of Trade was that it was not the Board of Trade but the Foreign Office which carried on all negotiations with foreign nations. But although the Board of Trade was not a negotiating, or, in such cases as the present, an acting Department, he could assure the hon. Gentleman that many of the despatches which appeared in the Blue Book had been written only after consultation with that Department, and that it furnished the Foreign Office with all the information at its command. It would be a great mistake, therefore, to imagine that the Board of Trade had been either idle or indifferent to the great question before the House. The House, he might add, had, he thought, great reason to be obliged to the hon. Member for Liverpool (Mr. Graves) for having brought the subject before them, although he might be hypercritical in saying that his observations, in common with those of other hon. Members, ought to have been addressed to a French rather than to an English Assembly, for the quarter in which an impression was to be made was over the Channel, rather than in this country. Nevertheless, he thought it most advisable and advantageous that there should be an expression of opinion in the House of Commons on the part of the leading representatives of the commerce of this country, and he trusted it would not pass away without result. He felt that this country had grave reason and full right to complain of the differential dues on our shipping that had been imposed by France: indeed, from some things in the Papers before the House he could not help hoping

Mr. Rathbone

that the policy that had been adopted was one for the moment, and that it was not the final determination of the French Government. It was not long since that the Representative of the French Government informed us that there was no intention of inflicting any such special disadvantages on British shipping, and that what they were about to do would have no such effect; but it was too well known that the result had been very different, thereby showing that the change had been made without knowledge of what the effect of the alteration of the French law would be. He hoped, however, that what had been said would have the effect of inducing the French Government to take a more friendly course towards this country; and, if so, the hon. Member for Liverpool would have reason to congratulate himself if he should contribute to that result.

MR. M'LAGAN said, that the manufacturers in this country of paraffin oil had been subjected to great losses for what had been decided to be breaking of contract arising from the alterations which the French Government had made in the duty on that article, and he hoped the British Government would use its influence to obtain redress for the English manufacturers. The duty on paraffin oil was under the Treaty 5 per cent, and there was a stipulation contained in it that it should not be increased more than 25 per cent, but it had been increased to 88 per cent, whilst American petroleum had only been increased to 78 per cent. He trusted that it would not be thought too late to remonstrate with the French Government on the subject.

MR. GLADSTONE said, that the hon. Member for Liverpool (Mr. Graves) had called the attention of the House to a subject which, it was easy to foresee, must necessarily come under debate. From the speeches which had been delivered it was plain that this was a subject of great pain and embarrassment, and that it was more easy to give utterance to sentiments of dissatisfaction and regret than to suggest a remedy for the inconvenience complained of by the country generally. He, however, hoped and believed that the hon. Member for Liverpool would considerably decline to press his Motion to a division, for though it might be a question with some hon. Members whether the Government had urged with sufficient

energy on the Government of France the various causes they had of complaint, still what the House would wish would be to leave the Government in a condition in which they could address the Government of France with the utmost freedom with respect to the matter, and they would be more able to use that freedom in the spirit of friendship and frankness if no decision were given on a Motion of this kind by the House of Commons; because, though hon. Members who had spoken had been most considerate in the language they used with respect to the Government of France, yet any Motion of that nature must assume the appearance of a modified Vote of Censure in the eyes of the French Government. He could not, however, hesitate to admit that Her Majesty's Government felt that they were seriously aggrieved by the proceedings of the French Government in this matter, and in respect to the very important subject which bore injuriously on the shipping of this country, though more injuriously on the French nation. The hon. Member who spoke last (Mr. M'Lagan) had referred to the duties on a certain class of oils. With regard to that point, the English Government had pressed on the French Government, in very decided terms, what they conceived to be the duty of France with regard to those breaches of contract of which the hon. Member complained; but up to that time it had not been in the power of Her Majesty's Government to obtain any satisfactory answer to those remonstrances. In some quarters it had been thought that the Government, in some portion of their conduct, had shown some want of sympathy for the peculiar condition of France; but he must say that the sympathy they felt for France was one of the reasons why the urgency of their remonstrances with the French Government had been less than it might have been under other circumstances; and although the Motion before the House did not mention the great subject of the French Treaty, yet it was impossible that the Treaty, which formed the principal subject of our deliberations during an anxious and protracted Session, should not have formed a large portion of the staple of the debate. It had also been said that Her Majesty's Government had shown a want of consideration for the necessities of France;

but they had at all times been most careful to convey to the French Government that any proposition they made that was of a fiscal character, and which the French Government considered required modification, would meet with our ready and most favourable consideration, although according to our experience, fiscal necessities were not best met by the re-imposition of protection, but rather by liberating the industry of the country. The hon. Member for South Northumberland (Mr. Liddell) had complained of a too rigid adherence to principle; but the principle upon which the Government had acted was that commerce would be best served and peace secured by allowing each country to regulate its own fiscal tariff according to its own interest and requirements. That was not only the Government's opinion; similar views had been expressed on the other side of the House, and that opinion was the result of long experience. For five or six years previous to 1845 the Board of Trade, with which he was then associated, endeavoured to make reciprocal arrangements with European nations and signally failed in every instance, because those nations uniformly believed the motives of England were selfish. Accordingly, Sir Robert Peel and his immediate successor resolved to leave the consideration of the subject to the independent action of each country. In 1860, however, an entirely new state of things arose; but in conducting the negotiations with France this country bargained for nothing. The concessions made were offered because they were good in themselves, and because granting them would promote Free Trade—the chief object in view. That statement needed only one qualification. To a certain extent this country, by making the French Treaty, did interfere with its own fiscal arrangements, and bound itself to do certain things; in fact, it sacrificed its freedom of action to a certain extent, but did so for certain benefits. He did not take a very favourable view of the taxation of coal, which had been referred to; but it was not desirable to be tied even in a matter of that kind. The agreement came to with regard to wine and spirits undoubtedly restrained our commercial liberty, and now that France drew back from continuing that agreement it must not be forgotten that by doing so she gave

us back fiscal liberty. The French nation should comprehend that although Parliament might denounce the motive of retaliation, still it reserved absolutely the power of dealing with the wine and spirit duties as the interests of the country might dictate. But he was anxious in stating this to say also that the Government did not contemplate using the liberty which the country regained by the denunciation of the Treaty. The French Treaty had been productive of enormous good. It had allayed political excitement, which might have assumed dangerous proportions; it had extended trade, and produced a season of prosperity at a time of need; it had not—with some few exceptions, such as the Coventry trade—caused British industry to suffer, and it had led the people of Europe generally to make progress in the direction of Free Trade. Many European countries had made arrangements between themselves which England had failed to make with Continental States. The reason that they had succeeded when England had failed was, because the commercial superiority of England was so paramount that other countries could not disabuse from their minds the feeling that any suggestions coming from us must be dictated by selfish motives, and, if adopted, must result in disadvantage to themselves. No small advantage from the French Treaty, however, was that, besides enormously extending commerce and intercourse between the two countries, it had done wonders in extending kindly feeling. It had given a new character to the relation between the Englishman and the Frenchman; and lastly, it had the effect of developing in France itself a vigorous, intelligent, Free Trade party of native growth. Why, then, it might be asked, did we not make some sacrifice during the recent negotiations on this subject? The House should not forget the peculiar position which the two Governments relatively occupied. Regarding those results with the liveliest satisfaction, the Government could not forbear from taking all possible measures to preserve the Treaty; it forbore from pressing the matter to the utmost for fear of awakening that old feeling of jealousy with which the advances of England had usually been met. M. Thiers, the most able of all the champions of the Protective system, had ex-

Mr. Gladstone

pressed himself as having always disapproved the Treaty, and as having always preferred commercial liberty; but, out of sincere desire to maintain moral and political union with England, he was ready to forego those opinions and continue the Treaty in a modified form. It was never contended that the French wanted the Treaty for its own sake; it accepted the arrangement merely as a favour to England. Supposing we had contrived to concoct some new adjustment of duties, remaining under all our obligations, retaining all the restrictions on our fiscal liberty, and conceding here and there to France, what would have been our position? We, too, should have held this language—"We prefer our liberty as you prefer your liberty; but we consent to prolong the Treaty as an act of favour to you." That would have been to continue the Treaty on a hollow basis. The true basis of commerce is an exchange of benefits; but that would have been an exchange of sacrifices. That is a groundwork upon which it is totally impossible to erect any solid fabric, either of commercial or national union. The Treaty was formed in the earnest hope that it would lead to further development; and if in 1860 any one gifted with the endorsement of prophecy had been able to foresee that in 1871 that France would hark back in the course on which it had entered, he would have raised a far more formidable barrier in our way at that moment than any of the arguments we had to encounter. It was not a perfect measure in itself that the Treaty was adopted. They had been taunted that the Treaty on the part of France did not embody the doctrines of Free Trade. There was in it, undoubtedly, a great deal of a rather strong Protective element, but it was a movement onward in the adoption of the principle of Free Trade; it was expected to be followed by a second and by a third in the same direction; and not to have adopted it would have been a great responsibility for those who were firmly fixed in the belief that the principle was a sound one—namely, that commercial freedom was best promoted, and national union best promoted by the independent action of each country. And now, he must say, on that melancholy occasion there was one element of consolation, and that was the intelligence, the fidelity, the strength, the resolution

of the free traders of France. They were not embarrassed by our help. Reference had been made to M. Chevalier. He never heard that that gentleman regretted that we declined to accept the offers of the French Government. Hon. Members saw on the floor of the French Assembly the strength of those sentiments, and their endeavour to organize themselves with such force and sanguine energy. In every other respect he must admit the situation was a melancholy one, and there was no one to whom it brought deeper sentiments of regret than to himself, for the authors of the French Treaty were the Emperor of the French and Mr. Cobden, and after those distinguished persons no one was more responsible for it than himself. It was melancholy to think that a measure so beneficial—he might almost say so blessed in its results, speaking of its moral and pacific consequences—should now have become the subject of denunciation by the Government of France. All they could do was to recognize the disposition of the French Government to mitigate the moral and political evils which could not be separated from its denunciation. If the multiplication and extension of friendly and mutually beneficial intercourse between England and France had been a great good, the comparative restriction of that intercourse was a great evil. All they could do was to reciprocate cordially the expressions of goodwill to the Government of France—to appeal to the Government of France to let their acts run in a course, as far as possible, parallel to their professions, convinced that they were made with the utmost sincerity—to take care that, on their part, they exhibited towards them that warm sympathy which their circumstances demanded, and those sentiments of friendship of which the Treaty was the symbol and the most powerful prop. In that spirit they would endeavour to act, not forgetting that so far as specific causes of complaint were concerned nothing was to be gained by a remiss or unmanly tone. They would steadily represent to the Government of France in friendly language whatever they thought matter of right and equity in the treatment of British interests. He was satisfied his right hon. Friend near him was right when he referred to the difficulties they had experienced in administration, and when he expressed a sanguine hope, from the

large and increasing prevalence of sound views in France, that the causes of regret which they now experienced would, ere any long time had elapsed, cease to operate, and that they would again see in action all those means of beneficial intercourse the temporary diminution of which they now so much deplored.

MR. MACFIE said, he entirely agreed in the opinions expressed by the right hon. Gentleman the Prime Minister, and hoped that England would soon recover her commercial liberty.

MR. GRAVES, acting on the advice of the Prime Minister, asked permission to withdraw his Motion.

Amendment, by leave, *withdrawn*.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

SUPPLY—*considered in Committee*.

Committee report Progress; to sit again upon *Monday* next.

MINE DUES BILL.—[Bill 177.]

(Mr. Lopes, Mr. Gregory.)

SECOND READING. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [12th June], "That the Bill be now read a second time."

Question again proposed.

Debate *resumed*.

MR. MAGNIAC was proceeding to urge objections to the mode in which the measure had been introduced, when—

Notice taken that 40 Members were not present. House counted; and 40 Members being found present,

MR. STANSFELD, reserving his liberty of action in reference to the recent decision in the Court of Queen's Bench, in which an appeal had been carried to the Court of Error, said he would assent to the second reading.

Question put, and *agreed to*.

Bill read a second time, and *committed* for *Wednesday* 26th June.

BANK NOTES (NO. 2) BILL.

On Motion of Sir JOHN LUBBOCK, Bill to provide for the safer transmission of Bank Notes, *ordered* to be brought in by Sir JOHN LUBBOCK, MR. RACKHOUSE, MR. MUNTZ, MR. ROBERT FOWLER, and MR. KINNAIRD.

Bill *presented*, and read the first time. [Bill 196.]

House adjourned at half after One o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, 17th June, 1872.

MINUTES.]—SELECT COMMITTEE—Landlord and Tenant (Ireland) Act (1870), The Lord O'Hagan added.

PUBLIC BILLS—First Reading—Board of Trade Inquiries * (155); Oyster and Mussel Fisheries Supplemental (No. 2) * (156).

Committee—Pier and Harbour Orders Confirmation * (116); Parliamentary and Municipal Elections (117-157).

Report—Gas and Water Orders Confirmation (No. 2) * (122).

Third Reading—Epping Forest * (150), and passed.

TREATY OF WASHINGTON.

TRIBUNAL OF ARBITRATION (GENEVA).

PROCEEDINGS BEFORE THE ARBITRATORS.—QUESTION.

LORD CAIRNS: My Lords, no doubt your Lordships will be glad to hear from the noble Earl the Secretary of State for Foreign Affairs—if he is in a position to give the House such information—Whether there is truth in the report which has appeared in the ordinary channels of information—namely, that the British Agent at Geneva had put in before the Arbitrators the points of arguments in the British Case? If the noble Earl is able to state further what has been the course of proceedings at Geneva today, I am sure your Lordships will be glad of any information upon this subject also.

EARL GRANVILLE: There are so many reports of what has been done at Geneva, and those reports clash so one with another, that I do not know to which report the noble and learned Lord refers. It was decided by the Arbitrators to keep their proceedings private for the present, and therefore—to say nothing of the respect which is due to that high Tribunal—I am sure your Lordships would not wish that I should set such a bad example as to state what I may know privately. In the Papers which I presented to your Lordships' House on Friday your Lordships have the means of seeing the course which we intimated would be taken by us in case the proposals we made to the Government of the United States should fail. I have no objection to state that that course has been taken.

LORD CAIRNS: I am not sure that the statement of the noble Earl is quite intelligible to your Lordships—certainly

it is not to me. In the Papers two courses were suggested hypothetically. One was that the points of our arguments should be put in under protest and with reservations; the other was that they should not be put in at all. Would the noble Earl say which of those two courses has been adopted?

EARL GRANVILLE: We have not put in the points of argument.

PARLIAMENTARY AND MUNICIPAL ELECTIONS BILL—(No 117.)

(The Lord President.)

COMMITTEE.

Order of the Day for the House to be put into Committee, read.

Moved, "That the House do now resolve itself into Committee."—(*The Lord President.*)

LORD DENMAN said, he had taken the course of moving that the Committee be deferred for six months, because he believed that the Bill could not be amended so as to become workable. Although he was perfectly satisfied that if their Lordships assented to the passing of the Bill they would deeply regret it; yet as it appeared to be the wish of their Lordships to consider the measure in Committee, he should not press his Amendment to a division.

Amendment moved, to leave out ("now") and insert ("this day six months.")—(*The Lord Denman.*)

EARL GRANVILLE reminded the noble Lord that in the discussion on the second reading it was understood that no opposition would be offered to the progress of the Bill, whatever might be done during its consideration in Committee. He thought it was not in accordance with that understanding to discuss the merits of the Bill on the Motion for going into Committee.

LORD CAIRNS desired to make a few remarks before the House went into Committee. The schedules of a Bill were usually considered complimentary to the clauses of the Bill, but in this case one-half of the clauses themselves had been taken out of the body of the Bill and transferred to the schedules. In the Bill of last year there were 54 clauses; but in the Bill of this year no fewer than 27 clauses were put in the schedules, while just the same number

were in the body of the Bill. The usual course was that their Lordships should take the clauses, consider them seriatim, and decide upon their merits; but here there was a clause which enacted that the schedule to this Act, and the notes thereto and directions therein, should be construed and have effect as part of the Act. If this system were persevered in, all the provisions of a statute might be placed in the schedule and a single clause be deemed sufficient for the body of the Act.

THE MARQUESS OF RIPON said, there was no wish to limit the consideration of the provisions of the Bill. In the Commons every provision of the schedule had been discussed as fully and as keenly as any part of the clauses. He could assure the noble and learned Lord that the Government would offer no objection to their Lordships considering every article in the schedule as they pleased.

On Question, That ("now") stand part of the Motion? *Resolved in the Affirmative.*

House in Committee accordingly.

Procedure at Elections.

Clause 1 (Nomination of candidates for Parliamentary Elections).

LORD CAIRNS moved, in page 2, line 3, after ("candidate") insert—

"If after the adjournment of an election by the returning officer for the purpose of taking a poll one of the candidates nominated shall die before the poll has been taken, the returning officer shall, upon being satisfied of the fact of such death, countermand notice of the poll, and all the proceedings with reference to the election shall be commenced afresh in all respects as if the writ had been received by the returning officer on the day on which proof was given to him of such death; provided that no fresh nomination shall be necessary in the case of a candidate who stood nominated at the time of the countermand of the poll."

THE MARQUESS OF RIPON said, he did not object to the provision.

Amendment, with verbal alterations, *agreed to.*

LORD COLCHESTER moved to omit the clause, his object being to leave nominations as they were at present. If nomination days were abolished, the excitement now displayed when candidates were being proposed would be exhibited on less convenient occasions in the course of the canvass or the election, and in a not less objectionable form. He thought that the ancient system to which they

had become accustomed ought not to be abolished without sufficient reason for it being shown.

THE MARQUESS OF RIPON took an entirely different view of the importance and value of this clause. In his opinion it was one of the most valuable clauses in the Bill—especially in the way in which it bore upon the moral, orderly, and quiet character of elections. He could well understand attachment to ancient modes of proceeding; but on the other hand he must say that it appeared to him that these public nominations had no real bearing upon the result of the election, whilst they gave constant opportunities for disorder of various kinds. The clause also had been passed in the present and previous Session in the other House of Parliament by large majorities. He must also point out that the omission of this clause would necessitate numerous other Amendments in the Bill, which the noble Lord had not even taken notice of.

Amendment *negatived.*

Clause, as amended, *agreed to.*

Clause 2 (Poll at Election).

THE DUKE OF RICHMOND said, he had now to propose the important Amendments of which he had given Notice. He proposed after the word ("candidates") in line 7, page 2, to insert—

"Each ballot paper shall have an official mark on the back and a number printed on the face, and shall have attached a counterfoil with the same number printed on the face:

"Every voter, on application to the presiding officer, shall receive a ballot paper, and the presiding officer shall in the presence of the agents of the candidates (if any) enter on the counterfoil of the ballot paper the number of the voter on the register, and shall enter on the copy of the register with which he is supplied a cross or other mark denoting that the voter has received the ballot paper, but not showing the particular ballot paper which he has received:

"The voter shall place a cross or other mark in the figure of a square printed opposite the name of the candidate or each candidate for whom he votes:

"The voter having thus marked on the ballot paper the candidate or candidates for whom he votes shall fold the ballot paper so as to show the official mark on its back, and shall exhibit to the presiding officer such mark, and then in the presence of the presiding officer put the ballot paper into the ballot box:

"At the close of the poll the presiding officer shall in the presence of the agents of the candidates or such of them as may be present seal up the counterfoils of the ballot papers and send them by the earliest practicable post to the clerk of the crown in chancery:

"Any ballot paper on which a cross is put opposite to the names of more candidates than the voter is entitled to vote for, and any ballot paper having anything written thereon other than the mark or marks made by the voter, shall be void, and shall not be counted.")

His Amendments, as their Lordships would perceive, opened the whole question of personation. Personation was deemed by the promoters of the Bill so serious an offence that by the 24th clause it was declared to be a felony, punishable with two years' imprisonment with hard labour. That being so, it seemed to him to be absolutely necessary to provide some machinery by which the vote could be traced—because, without this, the offence could hardly be proved. The Amendment would enable the vote to be traced. When the Marquess of Hartington introduced the Bill of 1870, he said that he desired that the vote should be secret; but yet he thought that there should be power of tracing the vote. Being anxious to avoid all controversy on this point, he (the Duke of Richmond) had taken as his Amendment certain provisions of the Bill introduced by Her Majesty's Government in 1870. He should, therefore, await with some curiosity the arguments by which the noble Marquess who had charge of this Bill (the Marquess of Ripon) would oppose those securities which it had been thought necessary to include in a Ballot Bill having on it the name of "the Right Hon. John Bright." The noble Duke then moved the first paragraph.

An Amendment *moved*, in Clause 2, page 2, line 7, after ("candidates,") to insert—

("Each ballot paper shall have an official mark on the back and a number printed on the back, and shall have attached a counterfoil with the same number printed on the face.")—(*The Duke of Richmond.*)

THE MARQUESS OF RIPON said, he was not surprised that the noble Duke should have avoided any allusion to the real nature of the Amendment—the Amendment affected a vital portion of the Bill now before them. He admitted that following the vote in order to a scrutiny would not be possible under the Bill as it now stood; but the Amendment would not only provide for following the vote in order to a scrutiny, but it would in effect make the Ballot optional. It would go even farther than

The Duke of Richmond

this, for it would render secret voting almost impossible. The noble Duke had declared that his Amendments were copied from the provisions contained in the Bill proposed by the Marquess of Hartington, on behalf of the Government, in 1870. But that Bill not only did not render the Ballot optional, as the Amendment did, but it contained most careful provisions against it—it provided that the voter should go into a secret compartment and there vote; and there was a penalty for infringing the secrecy of the vote. The *tu quoque* argument had no effect whatever upon him, because the Amendment had really nothing whatever to do with the previous Bill. The noble Duke could hardly pretend that this sham Ballot would ever have had the support of Mr. Bright. An optional Ballot meant a system under which any amount of intimidation might be exercised, only in another way and at another stage of proceeding than was the case at present. Now, the object of the secret Ballot was not so much to guard against intimidation from individuals as intimidation from classes, and classes were not amenable to general public opinion, but only to the opinion of those composing their own body: but an optional Ballot left the voter open to all the evils which the Bill was meant to remove. The Amendment, however, rendered secret Ballot impossible. His noble Friend had boasted that he had copied the Bill of Lord Hartington, but in doing so he had made a most important and most significant departure both from that Bill and from the Amendment of Mr. Ward Hunt. He hoped their Lordships would not pass a sham. It would be better for them to reject the Ballot altogether than to inaugurate a system which would be a mere pretence of secrecy, and which would be sure of rejection in the House of Commons.

LORD CAIRNS said, the noble Marquess, in the mode in which he met the Amendment, had taken a course which might be convenient to himself but which was not the most convenient to their Lordships. He had made a long and interesting speech on the question of a permissive or optional Ballot, but he had sat down without saying one word upon the Amendment proposed. His noble Friend (the Duke of Richmond) had said that the Motion now before their Lordships was the first of a series

of Amendments which he intended to propose, which, no doubt, would raise that extremely important question—the amount of secrecy which their Lordships would impose on the voters of the United Kingdom, whether they desired secrecy or not. That, however, was not the purpose of this Amendment, which was how to follow and detect personation. The noble Marquess (the Marquess of Ripon) was utterly wrong in representing his noble Friend as saying that his Amendments were nothing more than restoring the Bill to the position of Lord Hartington's Bill. This Amendment did nothing more than restore that Bill on one important and exceptional point—he had taken certain securities against personation out of the Bill of 1870, and had argued that if they were thought necessary by the Government when they introduced that Bill, the same Government being answerable for the present Bill, the noble Marquess could not very well object to those securities now. He (Lord Cairns) would not follow the noble Marquess into the question of permissive or optional Ballot; but he rose to satisfy their Lordships of the propriety of the Amendment, and to show that without this Amendment the Bill would be the source of the most unmitigated mischief, vice, perjury, and fraud in every district of the country. The Bill provided that personation when discovered should be a felony. Their Lordships were very well aware that there was not a large constituency in the kingdom in which they would not find a great per centage of names of men who were dead or absent, and that as regarded the seaport towns it might happen that a substantial part of the electors might be absent at the time an election came on. With regard to all these dead men, and also with regard to the names of persons who were alive and in health, any person who was disposed to do so might go up to the polling-booth and represent that he was the person described on the register under a particular name, and demand a ballot paper. There was no reason why he should not get it unless he was detected on the spot—an extremely unlikely thing. Having got the ballot paper he must mark it, and put it into the ballot box, and in process of time it was taken out and counted as an absolute vote for the candidate in whose favour it was given. The Bill

further provided, indeed, that if the real voter afterwards came forward he might satisfy the Returning Officer that he was the true person on the register and demand a second ballot paper. The ballot paper was then to be given to him and his vote was to be marked upon it; but it was not to be put into the ballot box, but into a separate bundle of tendered votes. When the time came for declaring the result of the election those tendered votes were not to be counted; but on any scrutiny or petition they might be brought in question, and if proved to be votes tendered by the proper persons they were to be received. What, however, became of the vote received meanwhile from the improper person? What became of the false, fraudulent, and vicious vote in the ballot box, and which was counted as a vote for him for whom it was given? Their Lordships would be surprised to hear that the spurious votes were still to be counted as good votes. True, if it could be brought home to the candidate or his agent that a personated or false vote had been given with their privacy or connivance a vote might be struck off from the aggregate votes of that candidate for the bad vote so traced home. But in 99 cases out of 100 they could not prove such privacy or connivance, and in many cases neither privacy nor connivance might exist; and yet the fraudulent vote remained triumphant, and was counted. Would any Member of the Government stand up and say that that was a pure, proper, and desirable mode of conducting an English election? If the man was absent or dead, and could not come forward, the vicious vote would remain without any counteracting vote. These were the provisions in the present Bill. Now, Lord Hartington's Bill did meet this case, and Lord Hartington himself said that it was necessary to meet this case. That there might be no dispute he would read the enactment in Lord Hartington's Bill. The second provision of the Bill ran as follows:—

“Each ballot paper shall have a number or letter or other distinguishing mark printed on the back thereof, and have attached thereto a counterfoil with the same number or letter or other distinguishing mark printed on its face.”

Now, the object of that was obvious—it was to identify the counterfoil with the ballot paper. The 10th provision ran as follows:—

"Every voter, on application to the presiding officer, shall receive a ballot paper, and the presiding officer shall, in the presence of the agents of the candidate, enter on the counterfoil of the ballot paper the name of the voter and number on the register."

Since Lord Hartington's Bill the Government in the House of Commons had introduced a further provision that there should be on the back of every ballot paper what was called an official mark, and it was to be a new mark for every election, and to be kept secret and only within the knowledge of the Returning Officer. The noble Duke was only desirous to identify at the proper time the counterfoil with the ballot paper. If the Government, therefore, would not render its fulminations against personation idle and useless, it would accept the Amendment and give a means of detecting personation when committed.

THE LORD CHANCELLOR said, the noble and learned Lord had been very ingenious in finding fault, in the first instance, with the course taken by his noble Friend the Lord President in opposing the Amendment. He (the Lord Chancellor), however, thought that his noble Friend was perfectly justified in the line of argument he had adopted on that occasion. The whole scheme of the noble Duke's Amendments pointed to one end—namely, to reserve to the voter the power of disclosing the mode in which he had voted if he thought fit, and in effect to render the Ballot entirely optional. If the noble Duke succeeded in his object—if they once rendered the Ballot optional—they might as well put an end to the whole Bill. He looked on the noble Duke's Amendment as, in fact, substituting for the present Bill an entirely new measure for that which had come up from the other House. The Bill was one for insuring the power of secret voting; the Amendments would make it a Bill to insure the discovery of a man's vote. If they told the voter that he might, if he thought fit, disclose his vote, they practically told him that he must disclose it whenever pressure was put upon him by any person having the power and the desire to make him discover how he had exercised his franchise. Those who wished for secret voting thought it could only be reasonably secured by nobody knowing how the voter had voted. The effect of the Amendment would be to destroy the protection which the voter would other-

wise feel that he had for the secrecy of his vote. The machinery for detecting personation had been omitted because it was found that perfect secrecy could not be maintained in conjunction with it. It was thought best to give up the machinery for detecting personation rather than to give up secrecy, because it was better that a dozen or so of bad votes should be recorded than that tens of thousands should be intimidated or coerced. Provision was made for correcting those bad votes in cases when the election was challenged; because in all cases where bribery or intimidation was proved it would be assumed the vote was recorded in favour of the briber, and it would be struck off accordingly. But what effect would the Amendment have in detecting the offender? How did it punish the false voter? What machinery would it provide for detecting a man who came up to tender a false vote? If the man was known when he came up there might be a remedy. But if there was any advantage in the Amendment, it seemed to him to be purchased at a disproportionate expense. It would be a worse evil in large towns with 12,000 or 14,000 votes, to deprive them of this security because there was a possibility of mistakes in a few cases. Allusion had been made to seaport towns, and the ease with which personation could be committed in such places from the number of the absentees. But the absentees would be known to the agents of both candidates, and the non-voters who would act as personators would also be known. Detection would, therefore, in most cases follow upon the vote being tendered. Altogether the mischief would be reduced almost to nothing, and would be of no consequence as compared with the evil of coercion.

EARL GREY said, the noble Duke (the Duke of Richmond) had at present done no more than to raise the question as to whether it should be in the power of a properly constituted authority to conduct a scrutiny and identify votes by means of a number on the ballot paper corresponding with a number on a counterfoil. In that proposal he concurred, and he was quite prepared to alter the Bill on the principle that secrecy should be maintained, and should be compulsory, except that a scrutiny should be possible when abuse was sus-

Lord Cairns

pected. He did not agree with the Lord Chancellor that the abuse was infinitesimal. It would be virtually impossible subsequently to prove any misconduct on the part of the Returning Officer, while his conduct would frequently be exposed to suspicion. The proposal now made by the noble Duke was substantially the same as that of Lord Hartington, which the Government accepted two years ago. It was in no way inconsistent with the principle of the Bill, and he was utterly at a loss to understand the extraordinary change of opinion on the part of Her Majesty's Government. Could a course adopted by the Cabinet on two previous occasions, after due deliberation, be so utterly wrong, or was it that Her Majesty's Government had determined at all hazards to gratify the extreme portion of their followers?

LORD ROMILLY said, he cordially concurred in desiring to repress personation, and thought this could only be done by largely increasing the number of polling places and leaving them open to people acquainted with the neighbourhood and its inhabitants.

THE DUKE OF SOMERSET wished to know from the Government whether they would or would not introduce the exact words of Lord Hartington's Bill. If they did he should be satisfied. They were now discussing the question of getting a knowledge of the voter, and he should like to know why the Government deviated from the proposition which they brought forward two years ago.

EARL GRANVILLE admitted that the question of the noble Duke was a perfectly fair one. The answer was, that at that time the matter had not been fully argued. Now, however, the case was different, and it was too much to ask the Government, after the case had been argued on both sides, to adhere to a proposal which they did not approve.

THE DUKE OF RICHMOND said, the Amendment he proposed was substantially the same as the proposal made in 1870 by Lord Hartington. He had no objection to alter "in the face" to "in the back," and in originally proposing it in the former shape he could assure the noble Marquess opposite that he had no sinister object. The offence of personation was a very serious one,

and one which the Government Bill in its present form would, as he believed, do very little to meet.

On Question? their Lordships *divided*:—Contents 162; Not-Contents 91: Majority 71.

Resolved in the Affirmative.

CONTENTS.

Beaufort, D.	Mount Edgcombe, E.
Bedford, D.	Nelson, E.
Cleveland, D.	Powis, E.
Manchester, D.	Radnor, E.
Marlborough, D.	Romney, E.
Norfolk, D.	Rosse, E.
Richmond, D.	Rosslyn, E.
Rutland, D.	Russell, E.
Somerset, D.	Sandwich, E.
Wellington, D.	Shaftesbury, E.
	Sommers, E.
Abercorn, M. (<i>D. Abercorn.</i>)	Stanhope, E.
Bath, M.	Stradbroke, E.
Bristol, M.	Strange, E. (<i>D. Athol.</i>)
Bute, M.	Strathmore and Kinghorn, E.
Hertford, M.	Tankerville, E.
Queensberry, M.	Verulam, E.
Salisbury, M.	
Winchester, M.	Bangor, V.
	De Vesel, V.
Abergavenny, E.	Doneraile, V.
Airlie, E.	Gough, V.
Amherst, E.	Hardinge, V.
Annesley, E.	Hawarden, V. [<i>Teller.</i>]
Bandon, E.	Hereford, V.
Bathurst, E.	Hill, V.
Beauchamp, E.	Hood, V.
Bradford, E.	Lifford, V.
Brownlow, E.	Sidmouth, V.
Cadogan, E.	Strathallan, V.
Coventry, E.	Templetown, V.
Dartmouth, E.	
Denbigh, E.	Carlisle, Bp.
Derby, E.	Gloucester and Bristol, Bp.
Devon, E.	Hereford, Bp.
Doncaster, E. (<i>D. Bucleuch and Queensberry.</i>)	Abinger, L.
Feversham, E.	Arundell of Wardour, L.
Fortescue, E.	Bagot, L.
Gainsborough, E.	Bolton, L.
Graham, E. (<i>D. Montrose.</i>)	Boston, L.
Grey, E.	Braybrooke, L.
Harrington, E.	Brodrick, L. (<i>V. Middleton.</i>)
Harrowby, E.	Brougham and Vaux, L.
Hillsborough, E. (<i>M. Downshire.</i>)	Buckhurst, L.
Home, E.	Cairns, L.
Jersey, E.	Chelmsford, L.
Lanesborough, E.	Clanbrassill, L. (<i>E. Roden.</i>)
Lauderdale, E.	Clifton, L. (<i>E. Darnley.</i>)
Leven and Melville, E.	Clinton, L.
Lonsdale, E.	Clonbrock, L.
Lucan, E.	Colchester, L.
Macolesfield, E.	Colonsay, L.
Malmesbury, E.	Colville of Culross, L.
Manvers, E.	Congleton, L.
Morton, E.	Conyers, L.

Delamere, L.
De Ros, L.
De Saumarez, L.
Digby, L.
Dunmore, L. (*E. Dunmore.*)
Dunsany, L.
Egerton, L.
Ellenborough, L.
Elphinstone, L.
Fisherwick, L. (*M. Donegal.*)
Fitzwalter, L.
Foxford, L. (*E. Lime-
rick.*)
Grantley, L.
Hartismere, L. (*L. Hen-
niker.*)
Headley, L.
Heytesbury, L.
Kenlis, L. (*M. Head-
fort.*)
Ker, L. (*M. Lathian.*)
Kesteven, L.
Lilford, L.
Monteagle of Brandon,
L.
Moore, L. (*M. Drogheda.*)
O'Neill, L.
Oranmore and Browne,
L.
Oriell, L. (*V. Masse-
reene.*)
Ormathwaite, L.
Ormonde, L. (*M. Or-
monde.*)

Overstone, L.
Penrhyn, L.
Raglan, L.
Ranfurly, L. (*E. Ran-
furly.*)
Ravensworth, L.
Redesdale, L.
Rivers, L.
Ross, L. (*E. Glasgow.*)
Saltersford, L. (*E. Cour-
town.*)
Saltoun, L.
Sheffield, L. (*E. Sheffield.*)
Sherborne, L.
Sinclair, L.
Skelmersdale, L.
[*Teller.*]
Somerhill, L. (*M. Clan-
ricarde.*)
Sondes, L.
Stanley of Alderley, L.
St. John of Bletso, L.
Stratheden, L.
Strathnairn, L.
Talbot de Malahide, L.
Thurlow, L.
Tredegar, L.
Tyrone, L. (*M. Water-
ford.*)
Vivian, L.
Wharnccliffe, L.
Wigan, L. (*E. Craw-
ford and Balcarres.*)
Wynford, L.
Zouche of Haryngworth,
L.

NOT-CONTENTS.

Hatherley, L. (*L. Chan-
cellor.*)
Devonshire, D.
Grafton, D.
Saint Albans, D. [*Teller.*]
Ailesbury, M.
Lansdowne, M.
Ripon, M.
Abingdon, E.
Albemarle, E.
Camperdown, E.
Clarendon, E.
Cowper, E.
De La Warr, E.
Ducie, E.
Durham, E.
Granville, E.
Innes, E. (*D. Rox-
burgh.*)
Kimberley, E.
Lovelace, E.
Morley, E.
Portsmouth, E.
Spencer, E.
Falmouth, V.
Halifax, V.
Leinster, V. (*D. Lein-
ster.*)
Powerscourt, V.

Sydney, V.
Torrington, V.
Manchester, Bp.
Ripon, Bp.
Winchester, Bp.
Acton, L.
Annaly, L.
Auckland, L.
Balinhard, L. (*E. South-
esk.*)
Belper, L.
Boyle, L. (*E. Cork and
Ortery.*) [*Teller.*]
Calthorpe, L.
Camoys, L.
Carew, L.
Charlemont, L. (*E. Char-
lemont.*)
Churchill, L.
Clermont, L.
Clifford of Chudleigh, L.
Dacre, L.
Dinevor, L.
Dormer, L.
Dunning, L. (*L. Rollo.*)
Ebury, L.
Elgin, L. (*E. Elgin and
Kincardine.*)
Eliot, L.
Erskine, L.
Foley, L.

Granard, L. (*E. Gra-
nard.*)
Greville, L.
Hare, L. (*E. Listowel.*)
Hastings, L.
Hatherton, L.
Houghton, L.
Howard of Glossop, L.
Kenmare, L. (*E. Ken-
mare.*)
Kildare, L. (*M. Kildare.*)
Leigh, L.
Lurgan, L.
Lyttelton, L.
Meldrum, L. (*M. Huntly.*)
Meredyth, L. (*L. Ath-
lumney.*)
Methuen, L.
Minster, L. (*M. Conyn-
ham.*)
Monck, L. (*V. Monck.*)
Monson, L.
Mostyn, L.
Oxenford, L. (*E. Stair.*)
Penzance, L.
Poltimore, L.
Ponsonby, L. (*E. Bess-
borough.*)
Robartes, L.
Romilly, L.
Rosebery, L. (*E. Rose-
bery.*)
Rossie, L. (*L. Kinnaird.*)
Sandys, L.
Saye and Sele, L.
Seaton, L.
Sefton, L. (*E. Sefton.*)
Sudeley, L.
Suffield, L.
Sundridge, L. (*D. Argyll.*)
Vaux of Harrowden, L.
Vernon, L.
Wenlock, L.
Wrottesley, L.

THE DUKE OF RICHMOND then moved the insertion of the next para-
graph, which was, he said, consequent
upon the Amendment which had just
been carried—

"Every voter, on application to the presiding
officer, shall receive a ballot paper, and the pre-
siding officer shall, in the presence of the agents
of the candidates (if any) enter on the counter-
foil of the ballot paper the number of the voter
on the register, and shall enter on the copy of the
register with which he is supplied a cross or other
mark denoting that the voter has received the
ballot paper, but not showing the particular ballot
paper which he has received."

THE MARQUESS OF RIPON said, that,
considering the vote which their Lord-
ships had just given, he should offer no
opposition to this Amendment.

Amendment agreed to.

THE DUKE OF RICHMOND moved
to insert the following paragraph:—

"The voter shall place a cross or other mark
in the figure of a square printed opposite the
name of a candidate or each candidate for whom
he votes. The voter having thus marked on the
ballot paper the candidate or candidates for whom
he votes, shall fold up the ballot paper so as to
show the official mark on its back, and shall ex-
hibit to the presiding officer such mark, and then
in the presence of the presiding officer put the
ballot paper into the ballot box."

He thought this was the proper time at
which to raise the question of secrecy,
although the rules by which it was pro-
posed to secure the secrecy sought by
the Bill had been relegated to the sche-
dules at the end. Up to the present
moment the Committee had not dealt
with the subject of secrecy. It was use-
less for noble Lords opposite to contend
that the Bill before the Committee pro-
vided a Ballot of absolute secrecy, be-
cause it allowed an illiterate voter to

have his voting paper filled up by the presiding officer in the presence of the agents of the candidates. It might be perfectly right that the illiterate voter should have the power of recording his vote in that manner, but by making such a concession they entirely gave up the idea of secrecy. If that were so, why should the great majority of the people of the country, who took a pride in voting openly, be compelled to gratify the whim of a small minority to vote in the manner provided by this Bill? When they came to the latter part of the Bill he would propose, by an Amendment to the schedule, to provide that the voter should, if he thought fit, go into a secret compartment, and there fill up his paper before giving it to the presiding officer; but he held that if the Committee were consistent, they ought to accept the Amendment which he now proposed.

THE MARQUESS OF RIPON said, it was impossible that he could accept the Amendment. No doubt, the real object of the Amendment was to provide an optional Ballot, and he was obliged to the noble Duke for the very fair and candid manner in which he had stated the case. He had very little to add to what he had recently addressed to their Lordships, for he would not detain them by repeating the arguments he had already advanced. He had only to say that, in his judgment, it would have been far wiser to have rejected the Bill upon the second reading than to adopt an Amendment which would have the effect of making the Bill a pure delusion and a sham. The noble Duke had referred to those provisions in a later stage of the Bill by which persons suffering from certain disabilities might adopt a system of voting not altogether secret. He should be quite prepared to consider a proposal to strike out those provisions, in order to make the Bill perfectly consistent with itself; but, of course, there must be, in all human systems, points of difficulty. They could not make blind men, or men who could not read, do the same things as men who could see and read, and such difficulties must be met in the best way possible. But to say, because exceptions were made to meet difficulties—some of them of a physical character—they were therefore to abandon the whole principle of the Bill, seemed to be altogether inconsistent with a reasonable course of legisla-

tion. The real question their Lordships had now to consider was, did they or did they not intend effectually and really to give the protection of secrecy to the electors of this country? If they did not, then this Bill had better be rejected; if they did, in his judgment, the only right and reasonable course was to deal with the measure in such a manner as would secure that secrecy, instead of leaving intimidation precisely as it was at present, and merely shifting its point.

THE MARQUESS OF SALISBURY said, the argument which had been pressed upon them with the greatest force in favour of this Bill, was that the country by its silence during two Sessions of discussion, and especially by the result of certain recent elections, had declared its readiness to have the principle of secret voting imported into its legislation. They were told also that this Bill came before them with the strong and earnest sanction of the House of Commons, and that by adopting an Amendment such as that proposed by the noble Duke, by which the Ballot would be rendered optional, they would be sending back a sham to the House of Commons and would disappoint the country. He ventured to take issue on both those propositions. He did not believe that either the real sense of the House of Commons, or, still less, the real sense of the country was that which Ministers desired them to believe. As to the sense of the country, the matter was clear enough. At the very elections on which noble Lords opposite relied so much, and which they (the Opposition) were taunted with not having noticed, the candidates won, not in consequence of their adoption of the Ballot, but because they avowed a preference for the optional rather than the secret Ballot. What stamp had the House of Commons put upon the Bill? They might have a perfectly compulsory or a perfectly optional Ballot; but it was obvious they could have no compromise. The whole strength of the Government, with perfect consistency, had been devoted to making the Bill entirely compulsory. Their Lordships knew how strong the Government was in the House of Commons, and that when the House of Commons voted on a Government proposal other matters beside the mere merits of the question were considered. Yet, in spite of these influences, the House of Commons had taken the whole

sting out of the Bill, when they expunged the penalties and gave to illiterate and other persons facilities which were absolutely inconsistent with the principle of secrecy. He maintained that if the House of Commons had been really in earnest in regard to the principle of secrecy, all the penalties would not have been taken out of the Bill; for the House of Commons would not have been content with forbidding things in an Act of Parliament when it shrunk from attaching any penalty to an infraction of the statute. This was, he thought, a very intelligible view for the House of Commons and the country to take. It was very reasonable that they should take the view expressed by the Prime Minister in Yorkshire last year, when he said that everybody ought to have the protection of the Ballot who desired it. For his own part, he (the Marquess of Salisbury) thought the sustaining influence of publicity ought to be given to everybody, whether he desired it or not; but, at the same time, he could quite understand the other view—that publicity should be secured to those who desired it, and secrecy to those who desired that. They had been told by the noble Marquess the President of the Council that under an optional Ballot the voter would be intimidated into making known his vote—that only the point of intimidation would be shifted. This objection, however, was equally applicable to all contrivances which might be adopted for the protection of voters. Even if they passed the Bill in its most stringent form, the agent or customer, or whoever was supposed to intimidate the voter, would still effect his purpose by telling his victim not to go to the poll. For his own part, he disbelieved all this talk about intimidation. It did not exist in his part of the country at all events. But if intimidation existed anywhere, and if there were any of their Lordships who desired to coerce their tenantry, he could only say that, however close they might make the secrecy of the Bill, and however sharp its penalties, he could undertake to know the vote of every tenant on his estate. Nothing would be easier than to keep away from the poll those over whom influence was exercised, and so neutralize their votes. No contrivance could prevent those who had such influence from exercising it if they wished to do so, and the victim chose to

The Marquess of Salisbury

submit. But these arguments about intimidation were founded upon a misconception of the existing relations of English society. Englishmen would assert their opinions, and he utterly disbelieved that any body of Englishmen worth mentioning, having real convictions of their own—that was a qualification on which he very much relied—would be, or had been, so base as to sacrifice them to any pressure whatever. But if there were individuals who wished to put pressure on individual voters, no legislative devices could prevent the action of social forces. The system of optional Ballot, so far from being a delusion and a sham or an idle compromise, offered in reality, from the point of view of the advocates of the Ballot themselves, the wisest course they could adopt. Starting from the point at which their Lordships arrived the other evening, when they determined that it was desirable, if possible, to legislate upon this subject, he maintained that they ought to give Englishmen as much liberty as they could. The Bill proposed to introduce a new system, strange to the inhabitants of this country and alien to our political life. Could such a system be introduced suddenly and without notice—not by the desire of the people, but as the result of a Parliamentary intrigue? Could it be expected that the people would yield a hearty allegiance to the mere law if violent restrictive penalties were attached to it? If an attempt were to be made to force them to adopt a system of secret voting, would it not be wiser to lead them up to it quietly, to induce them to examine the machinery at work, to appreciate its value, to have all their difficulties and apprehensions removed by experience—to move towards it, in short, in the gradual and tentative manner in which we had moved towards every change that had proved beneficial and permanent in this country? The people of this country did not like and would not submit to violent and hasty changes. It was the nature of our legislation to lead them towards all reforms gradually, and whenever an attempt had been made to disregard the tradition of the country in this respect, the law had been gradually worn away and pulverized by the steady and passive resistance of the multitude, who were unwilling to accept the sudden application of a novel principle. He believed their Lordships would

act wisely in accepting the Amendment, which offered the only chance of a solution of the question, and the rejection of which would leave the question to be settled after violent and acrimonious controversy, when it might now be adjusted temporarily, and ultimately settled in the sense desired by the Government by gradual and cautious legislation.

EARL COWPER said, the noble Marquess (the Marquess of Salisbury) had stated that the other House had not manifested any strong wish for compulsory secrecy; but he (Earl Cowper) thought that if the noble Marquess would turn to the debates and divisions which occurred in that House he would find reason to doubt the accuracy of his statement. He thought that if there were one thing which more than another showed the worthlessness of an optional secrecy, it was that no attempt had been made to argue that the Bill would be of any use if it were passed with this Amendment in it. He could understand this Amendment being supported by the opponents of the Ballot and by those who voted against the second reading of the Bill; but if the Amendment were to be accepted the victory gained on the second reading would be no victory at all, and the House would place itself as much in opposition to the wishes of the country as it would have done had it thrown out the Bill on the second reading. For one, if opposed to the Ballot, he would rather have rejected the Bill in a straightforward manner than have proposed to defeat its object by introducing this Amendment.

EARL GREY said, he had supported the last Amendment because it was necessary to insure fairness; but he could not help thinking that this Amendment was not consistent with what was called the principle of the Bill, upon which he hoped their Lordships would not engraft it. It was quite clear that if their Lordships adopted it, it would not be accepted by the other House; and then either their Lordships would be compelled to reverse their decision, or they would be held up to the country as having taken a course which was not straightforward in order to defeat the object of the Bill. On these grounds, he thought it was not desirable to adopt the present Amendment.

LORD LYTTTELTON said, that, while he had voted against the measure, which

he thought was a most unworthy one, now that their Lordships had accepted the principle of the Bill, he would be no party to an Amendment which would palpably reduce the Bill to an utter unreality. Nothing could be more obvious than that intimidation would be just as easy under this Amendment as it had been hitherto. It would be rather too strong a measure for public opinion to attempt to prevent a man voting at all; but it would be quite practicable to say—"Unless you vote publicly I shall assume that you have voted against me," and the result would be just the same as at present. He therefore hoped the Amendment would be negatived.

THE EARL OF AIRLIE thought there was much to be said in favour of both secret and open voting, but this new proposal for optional secret voting appeared to him to combine the disadvantages of both secret and open voting. He considered that under the optional system of voting intimidation would be even easier than under the existing system. He believed, also, that bribery under the optional system would be much worse than it was at present, and detection more difficult, because a person who desired to receive a bribe would be able to prove to the person who offered the bribe that he had voted for a particular person and to conceal his vote from every one else. This assertion of his was not founded upon mere theory but upon experience and upon evidence which was to be found in Parliamentary documents. He was astonished to hear the noble Marquess opposite (the Marquess of Salisbury) say he had never heard of a case of intimidation, and he could only ask the noble Marquess whether he had ever read the evidence given before the Marquess of Hartington's Committee?

THE MARQUESS OF SALISBURY: It has never been presented to us.

THE EARL OF AIRLIE: It was in their Lordships' library, where he was reading it the other day. That evidence adduced scores of cases of intimidation by landlords in Wales. They heard much the other night about bribery and intimidation being practised in America, but it so happened that the particular States in which those practices prevailed were States in which secrecy was optional. It was optional in the States of New York and South Carolina, which

were referred to the other night, but it was compulsory in Massachusetts, which was free from the bribery that existed in the other States. As to France, the evidence showed that the voting, though nominally secret, was in reality not so. There was a great and an unjust pressure placed upon voters. In Australia, with compulsory secrecy, there was no intimidation, and little bribery; and that fact only bore out what one would naturally expect. At all events, where secret voting was optional there was bribery, and where it was compulsory there was no intimidation—he would not say there was absolutely no bribery, because it was impossible to suppress it altogether, but there was very little indeed. The Amendment was quite inconsistent with the principle of the Bill. If they adopted the Amendment it would be said by those who were not friendly to their Lordships' House that their object was to allow intimidation to continue, in order to preserve the influence of the landlords. He hoped their Lordships would not adopt the Amendment, which was entirely at variance with the principle of the Bill.

LORD CAIRNS said, he altogether denied that this Amendment was an attempt by a side wind, or in an underhand way, to get rid of a Bill which had passed the second reading. Nothing could be fairer and more above-board, both in regard to the second reading and this Amendment, than the course taken on this occasion by his noble Friends. They had given their reasons for not exercising the influence they had to induce their Lordships to reject the Bill on a second reading; but they stated distinctly at the time the character of the Amendments which they would propose in Committee. On the other hand, he denied the right of any noble Lord to define to their Lordships the principle of a Bill after it had been read the second time, when that definition was made with a view to strengthen the opposition to the Amendment. He thought this one of the most important clauses of the Bill. The provision as to open nominations was a very good thing; and the maintaining of the secrecy of the poll until the close was also a very good thing. Indeed, he believed that by the keeping of the poll secret till the close they would get rid of nine-tenths of whatever bribery remained in the country. But

The Earl of Airlie

so far as any desire in favour of Ballot existed out-of-doors, he believed that among the great body of electors the desire was only for a permissive Ballot; that there should be no imposition of secrecy on any voter who did not wish it; but that every man might, if he wished, record his vote in secrecy. This was the kind of Ballot which the Prime Minister declared it to be his wish in Yorkshire to establish—that secrecy should be provided for those only who desired it. That was the principle on which he supported this Amendment. It was quite consistent with the principle of the Bill and with the feeling out-of-doors in regard to the Bill. He would recommend the noble Lord (Lord Lyttelton) who spoke about intimidation to read the evidence given before Mr. Justice Keogh, and his decision in the case of the Galway Election Petition. That was a case in which intimidation of the most alarming character had been resorted to; but was it for the purpose of making persons vote? Nothing of the kind. It was known how the persons were going to vote; respectable men—farmers, professional men, clergymen—were met coming into the town to poll; they were mobbed, pelted with stones, and their lives endangered, to prevent them from voting at all. Was there a single word in this Bill to check or cure this gigantic evil—this disgrace to the country? Could that which was done on a large scale towards voters whose opinions were known not to be done on a small scale by the customer as against tradesmen, by trades unions as against a member of the union? Of course it could; and if this Bill passed in its integrity they would be only shifting the point of intimidation from one place to another. On the ground that they had no right to impose on any man secrecy of voting against his will, who desired to record his vote as he had done before, openly—on the ground that they had no right to constrain that man, to crush him into a silent voter, unable to declare the opinion he conscientiously maintained, he should support this Amendment.

THE EARL OF KIMBERLEY said, he did not believe that anyone on his side had attributed to noble Lords opposite an intention by this Amendment to get rid of this Bill by a side-wind. What they said was this—that it would be an in-

consistent part if their Lordships, after voting for the second reading, should adopt an Amendment which would substantially defeat the Bill. That was their contention; and for himself he believed that this Bill would become substantially waste paper if this Amendment should pass. The noble and learned Lord (Lord Cairns) would lead their Lordships to believe that the Amendment was in accordance with the views of those who out-of-doors were in favour of Ballot. He entertained a very contrary opinion. If there were no feeling in the country in favour of the Ballot, how did it happen that at those elections which had recently been held the successful candidates had expressed their approval of the Ballot?

THE MARQUESS OF SALISBURY: They were in favour of an optional Ballot—Ballot without the tread-mill clauses.

THE EARL OF KIMBERLEY mentioned the Oldham election, where Mr. Lyulph Stanley was a candidate.

THE MARQUESS OF SALISBURY: But Mr. Stanley was the unsuccessful candidate.

THE EARL OF KIMBERLEY: At any rate his experience did not harmonize with that of the noble Marquess as to the feelings of the people on this question, nor was there any concurrence in their experience with regard to intimidation, which the noble Marquess had said was very rare indeed. He (the Earl of Kimberley) feared it was only too rife. Intimidation was not only open—it was often indirect, and if it was only removed by this Bill one step, that might be a very good step in advance. It was perfectly obvious that an optional Ballot was no Ballot at all, and he did not think it would be worth while to pass such a measure into law.

LORD ROMILLY expressed his surprise at hearing the noble and learned Lord opposite (Lord Cairns) say that the people of this country did not wish for the protection of the Ballot. Had he gone through as many contested elections as he himself had done, he would have arrived at a different conclusion. Electors had over and over again come to him and said that they were sorry to feel obliged to vote for him, and that they would vote against him if they could; while others, again, told him that they desired to vote for him, but must vote against him, and

that they wished they had some protection. By secret voting he understood a system by which the voter would not be able to prove how he had voted, but that he should be at full liberty to make any statement he pleased as to how he had voted. He thought it was impossible for any one who really knew the facts seriously to say that the people of this country did not want the protection of the Ballot.

LORD CAIRNS denied that he had said that the people of this country did or did not desire the Ballot. What he had said was that he was persuaded that those people in this country who desired the Ballot desired the kind of Ballot which would give the protection of secrecy to those who desired that protection; and that those who desired to vote openly should be allowed to vote openly.

EARL GRANVILLE thought the explanation just made by the noble and learned Lord opposite was perfectly fatal to the Amendment of the noble Duke. That Amendment would be entirely incompatible with giving the protection of secrecy to those who desired that protection.

On Question whether to insert? Their Lordships *divided*:—Contents 83; Not-Contents 67: Majority 16.

Resolved in the Affirmative.

CONTENTS.

Bedford, D.	Harrowby, E.
Marlborough, D.	Lanesborough, E.
Norfolk, D.	Lonsdale, E.
Richmond, D.	Mount Edgecumbe, E.
Rutland, D.	Russell, E.
Wellington, D.	Shaftesbury, E.
	Stradbroke, E.
Abercorn, M. (<i>D. Abercorn.</i>)	Verulam, E.
Bath, M.	Wilton, E.
Bute, M.	
Exeter, M.	Bangor, V.
Hertford, M.	De Vecsi, V.
Salisbury, M.	Gough, V.
Winchester, M.	Hardinge, V.
	Hawarden, V. [<i>Teller.</i>]
	Hereford, V.
Amherst, E.	Hill, V.
Beauchamp, E.	Hood, V.
Bradford, E.	Sidmouth, V.
Coventry, E.	Strathallan, V.
Dartmouth, E.	Templetown, V.
Denbigh, E.	
Doncaster, E. (<i>D. Bucleuch and Queensberry.</i>)	Gloucester and Bristol, Bp.
Faversham, E.	Hereford, Bp.
Graham, E. (<i>D. Montross.</i>)	Abinger, L.
	Bagot, L.

Boston, L.
 Braybrooke, L.
 Buckhurst, L.
 Cairns, L.
 Chelmsford, L.
 Clinton, L.
 Colchester, L.
 Colonsay, L.
 Colville of Culross, L.
 Delamere, L.
 De Ros, L.
 De Saumarez, L.
 Digby, L.
 Egerton, L.
 Fisherwick, L. (*M. Donegal*.)
 Fitzwalter, L.
 Gormanston, L. (*V. Gormanston*.)
 Grantley, L.
 Hartismere, L. (*L. Heniker*.)

NOT-CONTENTS.

Canterbury, Archp.
 Hatherley, L. (*L. Chancellor*.)
 Devonshire, D.
 Saint Albans, D. [*Teller*.]
 Somerset, D.
 Ailesbury, M.
 Lansdowne, M.
 Ripon, M.
 Airlie, E.
 Camperdown, E.
 Cowper, E.
 De La Warr, E.
 Ducie, E.
 Durham, E.
 Fortescue, E.
 Granville, E.
 Grey, E.
 Jersey, E.
 Kimberley, E.
 Morley, E.
 Nelson, E.
 Powis, E.
 Rosse, E.
 Spencer, E.
 Halifax, V.
 Sydney, V.
 Torrington, V.
 Ripon, Bp.
 Belper, L.
 Blachford, L.
 Boyle, L. (*E. Cork and Orrery*.) [*Teller*.]
 Brougham and Vaux, L.
 Camoys, L.
 Headley, L.
 Ker, L. (*M. Lothian*.)
 Kesteven, L.
 Lilford, L.
 Moore, L. (*M. Drogheda*.)
 Oranmore and Browne, L.
 Oriel, L. (*V. Massereene*.)
 Ormathwaite, L.
 Redesdale, L.
 Saltoun, L.
 Sinclair, L.
 Skelmersdale, L.
 [Teller.]
 Sondes, L.
 Stratheden, L.
 Talbot de Malahide, L.
 Tredegar, L.
 Tyrone, L. (*M. Waterford*.)
 Wynford, L.
 Churchill, L.
 Clifford of Chudleigh, L.
 Congleton, L.
 Dormer, L.
 Dunsany, L.
 Elgin, L. (*E. Elgin and Kincardine*.)
 Erskine, L.
 Foley, L.
 Granard, L. (*E. Granard*.)
 Greville, L.
 Heytesbury, L.
 Howard of Glossop, L.
 Kenmare, L. (*E. Kenmare*.)
 Kildare, L. (*M. Kildare*.)
 Leigh, L.
 Lurgan, L.
 Lyttelton, L.
 Meldrum, L. (*M. Huntly*.)
 Meredith, L. (*L. Athlumney*.)
 Methuen, L.
 Minster, L. (*M. Conyngham*.)
 Monson, L.
 Mostyn, L.
 Poltimore, L.
 Ponsonby, L. (*E. Bessborough*.)
 Romilly, L.
 Rossie, L. (*J. Kinnaird*.)
 Saltersford, L. (*E. Courtown*.)
 Saye and Sele, L.
 Sefton, L. (*E. Sefton*.)
 Stanley of Alderley, L.
 Sudeley, L.
 Sundridge, L. (*D. Argyll*.)
 Vernon, L.

Consequential Amendments made.

LORD COLCHESTER moved, in page 2, after Clause 2, insert—

"If any elector signify to the returning officer his desire to vote otherwise than by personal at-

tendance, the returning officer shall, not less than three days before the day fixed for election, forward to him a ballot paper together with a ticket containing the voters name and number on the register, and the voter shall secretly mark his vote upon it and place it in a closed cover or packet, and send it together with the ticket under an outer cover to the returning officer who shall place it in the ballot box on the day of election."

The noble Lord said he proposed this Amendment because he believed the system of personal attendance at the poll was the source of every evil connected with contested elections.

EARL COWPER opposed the Amendment on the ground that it would give rise to as much bribery and intimidation as at present existed. The proposal was reported against very strongly by the Committee of 1870 on the ground that it would make bribery and intimidation easy, and it had been made twice in the other House, and was each time rejected by considerable majorities. Few dependent voters could resist a landlord, or a £10 note in a private room with a ballot paper to fill up. It would likewise open the door to the distribution of forged papers, which it would be difficult to identify.

THE MARQUESS OF SALISBURY had always thought the arguments in favour of voting papers to be very strong. No doubt they might in some cases lead to mischief; but that mischief, in his mind, would be very slight when compared with the serious injury sometimes inflicted upon electors who had the misfortune to live a long distance from the polling place. Considering that the strength of the Liberals was generally to be found in towns, and that of the Conservatives in the country, he was not surprised at the aversion of the former to such an arrangement as that proposed. As, however, this question had been discussed on several occasions, he should advise his noble Friend not to press it, but rather to turn his attention to the more practical object of increasing the number of polling places.

Amendment *negatived*.

Clause, as amended, *agreed to*.

Offences at Elections.

Clause 3 (Offences in respect of nomination papers, ballot papers, and ballot boxes.)

LORD STANLEY OF ALDERLEY moved in Clause 3, page 3, line 19, after ("punishable") insert—

("Any offence specified in this section shall, if committed by the returning officer or his clerks, be punishable with imprisonment for any term not exceeding two years, with or without hard labour");

line 23, leave out

("returning officer at such election") and insert ("Secretary of State for the Home Department").

LORD ROMILLY deprecated the adoption of the Amendment. In the House of Commons it was complained that the Bill was overweighted with penalties, and on such a charge as that contemplated by the noble Lord, and with such a penalty, it would be found practically impossible to convict.

THE MARQUESS OF SALISBURY observed that all that the noble Lord opposite proposed to do was to render the punishment heavier in the case of the Returning Officers than in other cases. Hitherto the Government had poured out all their wrath upon the unfortunate elector; but what in his case was a mere crotchet was in the Returning Officer a crime. He trusted that the Amendment would be adopted.

After some discussion—

THE MARQUESS OF RIPON said, he would undertake to give the Amendments and suggestions consideration before the bringing up the Report.

Clause agreed to.

Clause 4 (Infringement of secrecy).

THE DUKE OF RICHMOND moved, in page 3, to leave out from the beginning of the clause to ("interfere") in line 32, and insert—

("No officer, clerk, or agent in attendance at a polling station shall communicate before the poll is closed to any person any information as to the official mark or.")

THE MARQUESS OF RIPON said, what Her Majesty's Government desired in reference to this branch of the subject was to prevent the possibility of candidates availing themselves of the votes of corrupt electors. It was well known that in most boroughs there were a certain number of voters who were notoriously corrupt, and who "hung back" in order to sell their votes. If the agents of the candidates were allowed to be within the polling-places and to keep a record of the voters who applied for ballot-papers, the object of the corrupt candidates and voters would be gained. He did not think his noble Friend (the Duke of

Richmond) desired that that state of things should arise, and as the Amendment was not necessarily consequential upon the proposals which had been already adopted he must ask the opinion of their Lordships upon it.

LORD CAIRNS agreed as to the importance of preventing corrupt practices in the conduct of elections; but he thought it perfectly legitimate that the candidates or their agents should be enabled in the course of an election to ascertain who had not voted, in order that their support might be solicited. But the clause contemplated the presence of an agent at a polling station, and it would be idle to prohibit the giving of this information to candidates or their agents, because it could be as easily obtained by persons standing in the streets outside the polling-places as by agents who had access to the interior of the polling booths.

THE LORD CHANCELLOR said, it was important that the prohibition should be maintained. The only reason why the knowledge as to who had not voted could be desired, was that intimidation or bribery might be brought to bear upon them. If the agents were informed as to the names of the persons who had voted, they would be able, at critical points in the progress of elections, to "put on the screw" on those who had not.

THE MARQUESS OF SALISBURY was absolutely startled by the facility with which Her Majesty's Government took alarm. It now appeared that it was an utterly wrong thing to ask anyone who had not voted to go to the poll. He remembered that in University contests some years ago, the supporters of the different candidates used every argument, and exercised every influence—if he might use the word—to induce the electors to record their votes, and it never occurred to any man that there was anything wrong in that. Now, however, it appeared that in regard to the poorer classes of voters, it was quite wrong to ask any one of them to vote. That was the only ground on which the argument of the noble and learned Lord could be justified. But even if this new political Decalogue were true, this clause would not attain the object he had in view. If a man should at any time drop a single word as to which candidate he had voted for he would be liable to "summary

conviction before two justices of the peace and sentenced to imprisonment for any term not exceeding six months, with or without hard labour." The Legislature would have this sword of Damocles hang over the unfortunate man's head for the rest of his life. Why, the very thought of it would drive a man mad, and to obtain relief he would probably rush home at once and divulge the terrible secret at once to his wife or friends so as to get it off his mind. Parliament had no right to inflict this fearful curse on a man who had voted, and he hoped, therefore, that their Lordships would adopt the Amendment.

THE DUKE OF SOMERSET said, the stringency of this clause was greater than he had ever before seen. Not only would the officers, clerks, and attendants, and the persons who supplied the voting papers act under alarm and anxiety, but it would exercise a new form of intimidation over the voters and deter them from voting at all.

On Question? Their Lordships *divided*:—Contents 63, Not-Contents 36; Majority 27.

Resolved in the Affirmative.

Clause, as amended, *agreed to*.

Amendment of Law.

Clause 5 (Division of boroughs and counties into polling districts.)

THE DUKE OF RICHMOND proposed an Amendment by which the polling-places to be provided by the authorities should be so assigned as that every elector resident in a county should have a place not more than "two" miles distant from his residence—instead of "four" as provided by the clause. The great object which those who promoted this Bill had in view was to enfranchise the greatest number of individuals, and enable the greatest number of persons throughout the country to exercise their right of voting. The Amendment he proposed had the advantage of giving every voter who wished to exercise his right an opportunity of doing so, by enabling him to walk to the polling-place, and it would thereby do away with one great source of expense and inconvenience attending elections—namely, the conveying the voter to the place of voting. A working man could, under the Amendment, record his vote in his

meal time without losing his day's labour. He was at a loss to understand why Scotland was to be excluded from the operation of this part of the Bill, because Scotland required a multiplication of polling-places more than any other part of the United Kingdom. It was only reasonable that a man should be able to record his vote at the least trouble and inconvenience to himself, and on that ground he moved the Amendment.

Amendment *moved*, page 4, line 11, leave out ("four"), and insert ("two.")—(*The Duke of Richmond*).

THE MARQUESS OF RIPON said, the question was a purely practical one; and those who were competent to form an opinion believed that with the increased number which the lesser distance rendered imperative, it would be impossible in many districts to find suitable polling-places and competent and responsible presiding officers. It was believed that these arrangements would often be difficult with the greater distance named by the Bill; and the difficulty would be increased by reducing the distance—particularly in respect to presiding officers, because with optional secrecy for the unhappy voter, it would be more than ever necessary that the officers should be trustworthy persons. It must be borne in mind that the Bill fixed four miles, subject to the discretion of the local authorities to reduce it; but the Amendment would make the shorter distance imperative. Scotland was excluded because it was believed to be absolutely impossible to find the requisite number of presiding officers there even for the greater distance.

LORD DENMAN said, he should have supported the Amendment if he had thought it to be a practicable one; but he did not believe it was on account of the difficulty of finding the requisite number of presiding officers.

LORD CAIRNS questioned the right of the noble Marquess the President of the Council to assume that optional secrecy would increase the difficulty of multiplying polling-places, and as to the voter being made "unhappy" by giving him the option of voting openly or in secret, he might thank the Government, with whom "unhappy voter" had become a favourite expression. To walk four miles to a polling-place, and four

The Marquess of Salisbury

miles back was a serious task, and the difference between doing that and walking two miles there and two miles back was so great, that the question was well worthy of their Lordships' consideration.

LORD ROMILLY said, he should be obliged to support the Amendment, because he believed the multiplication of polling-places the only effectual remedy against personation, and necessary to the reduction of the evils against which the Bill was directed.

On Question, That the word ("four") stand part of the clause? Their Lordships *divided*:—Contents, 49; Not-contents, 68: Majority 19.

Then the word ("two") *inserted*.

Clause, as amended, *agreed to*.

Clause 6 (Use of school and public room for poll).

THE ARCHBISHOP OF CANTERBURY moved to omit the words, "any room in a school receiving a grant out of moneys provided by Parliament." This provision affected many persons interested in Church schools, and from the diocese of Manchester alone no fewer than 60 Petitions were presented the other night, on the ground of the interruption of the arrangements of the school and the interference with the proper work of education. That, he might observe, would be especially aggravated by the tumult and distraction of an election. He hoped the Government would withdraw the proposition.

THE DUKE OF RICHMOND said, the object of this Amendment was the same as one which he had himself placed on the Paper; but as he feared his went too far and would prevent the use of any room other than a school-room, he should be content to take the Amendment of the most rev. Primate. He could not conceive anything more out of place, or more detrimental to good order, than to allow election proceedings to be held in school-rooms. Besides, as the number of attendances at school entitled managers to receive the Parliamentary Grant, the arrangement might interfere with the money a school was entitled to receive from Government.

THE DUKE OF MARLBOROUGH understood the provision had been inserted at the instance of the Education Department; but he hoped they would revise the decision they had come to.

THE DUKE OF MARLBOROUGH pointed out that schools received grants of public money for the performance of specific duties, and urged that when they had discharged that obligation it was unjust to impose another upon them.

LORD LYTTELTON said, he presented three Petitions in deprecation of this clause from persons in Worcester and Birmingham practically acquainted with the subject. He believed it would be a serious impediment to education, and he hoped the Government would give way on this point.

THE MARQUESS OF RIPON said, that the clause was not the invention of the Education Department, as had been suggested, but was proposed last year by a Conservative Member in "another place." He feared that in many places there would be difficulty in finding rooms suitable for the purpose of polling—the choice would often practically lie between the school and the public-house.

THE MARQUESS OF SALISBURY suggested that as they were now engaged in the process of reforming public-houses, which when the Licensing Bill of the Government was passed, these houses would be places where nothing that was wrong would occur, and where virtue would be enshrined. It would be a most happy arrangement that purified elections should be carried on in purified public-houses.

THE EARL OF KIMBERLEY said, that although estimating highly the probable good effects of the licensing measure of the Government, he was afraid that, after it was passed, public-houses would still not be the very best places in which to hold Parliamentary elections.

THE BISHOP OF CARLISLE said, this concession would only be graceful on the part of the Government, and he hoped they would not put the Committee to the trouble of dividing on that question.

On Question? Amendment *agreed to*; words *struck out*; Clause, as amended, *agreed to*.

Clauses 7, 8, 9, 10, and 11 *agreed to*.

LORD COLCHESTER moved to insert, after Clause 11, the following:—

"This Act shall not come into operation with regard to the manner of taking votes in any county or borough where by a poll taken by ballot according to the provisions in Clause 3 the majority of the electors shall decide that votes continue to be given openly as before the passing of

this Act: and the returning officer shall cause such poll to be taken not less than one week or not more than four weeks prior to an election, at the requisition of any five registered electors."

He trusted their Lordships would give a fair consideration to that proposal, and not be led to reject it for the sake of obtaining uniformity of system where the circumstances were the very reverse of uniform.

THE MARQUESS OF RIPON opposed the Amendment. It would be very objectionable that different modes of election should prevail in various parts of the country, and he would draw attention to the difficulty which the Returning Officer would have in carrying out the latter part of the Amendment in the absence of precise information as to a forthcoming election.

THE MARQUESS OF SALISBURY distinctly remembered that Sir Robert Collier proposed and Mr. Childers strongly supported a provision exactly like the present one. It had, therefore, found favour among orthodox Liberals.

Amendment negatived.

Clause agreed to.

Miscellaneous.

Clause 12 (Prohibition of disclosure of vote).

Clause 13 (Non-compliance with rules).

Clause 14 (Use of municipal ballot boxes, &c. for Parliamentary Elections,) and *vice versa*.

Clause 15 (Construction of Act).

—severally agreed to.

THE EARL OF SHAFTESBURY said, that when last Session he moved the rejection of the Bill on the ground of want of time, he referred to one or two subjects which he thought would require consideration should a Bill of the same nature again come before the Legislature. One of these related to the payment of the expenses of candidates. He greatly regretted in the interest of the working-classes that the proposal to throw the expenses of elections on some public fund had been rejected by the House of Commons; but unfortunately it was against privilege to handle such subjects in the House. But there were two other points which he then pointed out as worthy of special attention, upon which he was now about to ask their

Lord Colchester

Lordships' opinion. He had placed two Amendments on the Paper, one proposing that the poll should be kept open until 8 in the evening, the other that the public-houses should be closed on the day of the poll. He urged the adoption of these provisions on this ground, among others—that they had been pressed upon him by a deputation of 40 representatives of the trades of London, and a number of delegates from Lancashire and North Yorkshire. The delegates who had waited upon him differed as to the mode in which opportunity should be given to the working classes to ballot, but they were all unanimous in asking for some special facilities. One of the arguments used by the deputation which had waited on him, was that under the present system the reckless idle fellow would not be indisposed to leave his work regardless of the inconvenience to his fellow-workmen and his master, while the honest workman who shrank from throwing the work upon his fellows would be debarred from voting; so that by closing the poll at 4 many of the best class of workmen were practically disfranchised, and that, under an extended suffrage, was a serious evil. It had been said in answer it would be dark at 8 in the winter time; but the working classes replied they were quite able to take care of themselves, and as for the roughs, they were more than a match for them. The working classes were quite ready to accept the responsibility, if only the opportunity were given to them of recording their vote. In London at municipal elections the polling was always kept open up to 8 o'clock, and he had been assured by men of many years' experience that by far the best men came towards the close of the poll. If his second Amendment, requiring the public-houses to be closed on the polling day, were accepted, there would be no possibility of mischief resulting from the proposal to keep the poll open until 8. The same deputation strongly urged that the public-houses should be closed during the polling hours, alleging that they offered great facilities for bribery when men were half drunk. The working classes were very determined in the matter, and—to use the words of the deputation to which he had referred—they asked their Lordships to grant the boon the Commons had dared to refuse. Great difference of opinion

would arise upon the vote given with respect to the question of an optional or a compulsory Ballot, but no difference of opinion existed among the classes most concerned upon the point he now submitted. He had never seen such unanimity, and he was sure that if the Bill were passed without these provisions it would be received with the greatest possible contempt by the people, who would never relax their efforts until they had obtained that which they regarded as essential to their honour and security. The noble Earl concluded by moving the 1st clause.

Moved, after Clause 15, to insert the following:—

"At every contested election of a member or members to serve in Parliament for any borough or borough county in England or Wales after the passing of this Act, the polling shall commence at eight of the clock in the forenoon of the day fixed for that purpose by the returning officers, and no poll shall be kept open later than eight of the clock in the afternoon; and so much of the Act five and six William the Fourth, chapter 36, as limits the hours of polling to four of the clock in the afternoon in respect of borough elections is hereby repealed."—(*The Earl of Shaftesbury.*)

LORD DENMAN said, the municipal elections took place at a stated time, but the example would not apply to Parliamentary elections, which might be held at any time of the year.

THE MARQUESS OF RIPON said, he regretted the course adopted by the House of Commons with regard to the first of the noble Earl's proposals, and he was ready to admit that there was great force in the argument with which he urged his present proposal. But it must be obvious to their Lordships that a general extension of the polling time until 8 o'clock would not answer. He was anxious to offer every facility to the working classes to record their votes, but nothing would be so bad as to carry on elections in the dark.

THE EARL OF ROSEBURY desired to state the reasons why he should support the Amendment of the noble Earl (the Earl of Shaftesbury). He fully concurred with much of what had been said by the noble Earl, but he viewed the Amendment in connection with a larger principle. It was quite true that this Bill would probably put an end to what he might call positive compulsion—that was, that no man should be able to force his dependents to the poll. But he was not

quite sure—and this was a very important point, but one which he had not heard hitherto alluded to—whether it would put an end to negative compulsion? It would, he feared, be easy for a large employer of labour, who knew that his workmen differed in opinion from him as to such questions as to the distribution of wealth, or the tenure of land, for instance, by adjusting the hours of labour on the polling day in a particular manner, or by other means, to prevent their voting. He would give an instance which would appeal as forcibly as possible to noble Lords opposite. He would take the case of a Liberal manufacturer having in his employment 400 Conservative working men, and he was sure he could not put the case more strongly. Such a man, by preventing his workmen from voting, might seriously retard the progress of that Conservative reaction which the country was watching with such interest. It was in the hope that the Amendment might to a certain extent remedy the danger of the repression of votes that he should vote for it.

LORD CAIRNS said, that the Amendment, as worded, seemed to leave too much to the discretion of the Returning Officer. He feared such a power as this would lead at times to the suspicion that the hour of closing the poll was appointed to suit the convenience of the side to which the Returning Officer belonged. It had been stated "elsewhere," too, that polling after dark, as would often be the case under this clause in the winter months, would lead to tumult and rioting. Again, there were boroughs as large as counties, and it would not be advisable that voters should have to go a considerable distance after 8 o'clock at night. He quite agreed it was desirable that every restriction should, as far as possible, be removed which tended to prevent the working classes from recording their votes; but, although no doubt the noble Earl's proposal was aimed in that direction, he could not but see that it was attended by difficulties which rendered its adoption in its present shape inadvisable.

The Earl of HARROWBY, Lord LIFFORD, and Lord DELAMERE offered some observations which were not audible.

The Question being put, and some of their Lordships declaring themselves

Content, and others Not-Content, the Chairman of Committees declared the Not-Contents have it; and whereon

THE EARL OF SHAFTESBURY challenged the decision, protesting that he would take the sense of the House even if he had to walk into the lobby alone.

The Question having been again put; their Lordships *divided*:—Contents 87; Not-Contents 72: Majority 15.

Resolved in the Affirmative; Clause added to the Bill.

LORD CAIRNS: After what has happened, it is absolutely necessary that I should ask your Lordships to report Progress. Her Majesty's Government are clearly ignorant as to the course they ought to take with regard to this Bill. Almost the only Member of the Government who has taken any part in guiding the discussion upon this Bill is the noble Marquess the President of the Council, who, upon the Amendment of the noble Earl, rose in his place and gave us to understand that the Government were opposed to the noble Earl's proposition. Although greatly impressed by the motives of the noble Earl in bringing his proposal forward, yet, feeling the weight of the arguments used by the noble Marquess, I expressed my opinion that it would be unsafe for your Lordships to accede to the Motion in its present form. I do not think there is any one of your Lordships who heard what occurred who was not under the impression that Her Majesty's Government was going to oppose the proposal of the noble Earl. When the Question was put from the Chair I heard a great number of voices on the other side of the House challenge the passing of the clause; yet every Member of Her Majesty's Government, including the President of the Council, went into the lobby with the noble Earl. My Parliamentary experience is not so long as that of many of your Lordships; but I must say that in all my experience in either House of Parliament I never knew a course to be adopted by any Government similar to that which has been adopted on the present occasion. I hope it will be distinctly understood that Her Majesty's Government, having, by their spokesman, sought to induce your Lordships not to accept the proposal of the noble Earl, nevertheless, at the last

moment, turned round, and went into the lobby in support of the Amendment they had just opposed.

EARL GRANVILLE said, the inference to be drawn from what the noble and learned Lord had just said was, that the proposal of the noble Earl would not have been carried if those who supported it had known that the Government would vote for it. Now, what was the fact? The President of the Council had expressed regret that the House of Commons had not adopted in effect, though not in exact terms, a proposal similar to that of the noble Earl. With that view, he had made a suggestion, which, however, the noble Earl thought fit to reject. The noble and learned Lord laid it down in positive terms, that it was a matter of the greatest importance that every restriction against the labouring classes recording their votes should be removed; and as he (Earl Granville) entirely agreed, he could not vote against the proposal of the noble Earl, considering it contained a principle which would be well worthy of consideration and adoption, in a modified form, when they came to consider the Bill on the Report.

THE DUKE OF RICHMOND said, that if the noble Earl was of that opinion, he thought the noble Marquess the President of the Council was not justified in the speech which he had made. So surprised was he (the Duke of Richmond) to see the Members of the Government going into the lobby with the noble Earl that he remarked to a noble Marquess near him that the Government must be voting under some mistake, because the speech made by the President of the Council was directly opposed to the arguments of the noble Earl who had made the proposal. The Motion was that the first of the noble Earl's new clauses be added to the Bill; and the noble Marquess told them that he could not support that Motion. He thought that was a position which the Government might very reasonably take, and therefore he thought that the statement of the noble Marquess represented the views of the Government. He must say that it was extremely inconvenient that on a Bill of this importance, and upon an Amendment of which due Notice had been given, the Government should not have previously taken counsel as to the course that they ought to pursue. If

the views of the noble Earl the Foreign Secretary were correct—that the proposal should be modified, and that the time ought not to be distinctly fixed at 8 o'clock—then it was for the noble Marquess to make that suggestion, and he should have said to the noble Earl—“If you will withdraw your clause and agree to the terms that I think right, then I will not oppose your proposition, but will endeavour upon the Report to bring forward a Motion that will meet the case.” So far from doing that, the noble Marquess distinctly opposed the proposition of the noble Earl. He (the Duke of Richmond) repeated that that was not the way in which a Bill of this importance should be discussed upon a Motion of which Notice had been given. They had a right to hear the opinion of the Government stated; and what he complained of was that the noble Marquess had laid down the course which the Government intended to take without giving them any notice whatever that they were going to vote in the directly opposite manner to that in which they had spoken. They gave no intimation whatever that having spoken one way they would vote another.

THE MARQUESS OF RIPON: I am quite sure that nothing could be further from the intention of the noble Duke who has just sat down than to misrepresent in the slightest degree anything said either by myself or any other Member of your Lordships' House; but the noble Duke has somewhat forgotten what I said, or I failed to make clear what I intended to say on this subject. What I said was that I regretted the course which the House of Commons had taken in striking out a clause the object of which was to lengthen the hours of polling, and so afford greater facilities to the working classes in the exercise of the franchise. The noble and learned Lord (Lord Cairns) pointed out the peculiar wording of the noble Earl's clause, which provided that the poll “shall not be kept open later than 8 o'clock.” That wording seemed to indicate the intention of the noble Earl to be that the poll should not always be kept open till that hour.

THE EARL OF MALMESBURY: The Amendment has been in print for some days, and perhaps some Member of Her Majesty's Government will state whether when they came into the House they

meant to support the noble Earl's Amendment.

THE EARL OF KIMBERLEY: I cannot give any information as to what we thought yesterday, or at any other time. What I am concerned to do is to explain the course which Her Majesty's Government have taken. Now, I maintain that in assenting to the clause of the noble Earl, we have done what is perfectly consistent with the statement of my noble Friend behind me (the Marquess of Ripon). What he said was that he thought 8 o'clock would be too late an hour at certain times of the year; and the noble and learned Lord opposite (Lord Cairns) said he agreed with my noble Friend that it would at certain times of the year be convenient to keep the poll open to a later hour than at present. The clause we have passed provides that no poll shall be kept open later than 8 o'clock in the afternoon—thus leaving it optional whether the poll should remain open till that hour. I admit that the clause is imperfect and that it will require to be altered on the Report; but still I contend that voting for the clause is perfectly consistent with the view we have taken—namely, that it is desirable that at certain periods of the year the poll shall be kept open till 8 o'clock.

THE MARQUESS OF SALISBURY: The noble Earl speaks as if there were no power of amending any clause which has been proposed to the House. Instead of voting for that which he did not approve, the noble Earl might have moved some words to make it such as he did approve. However, I only rise to suggest that in voting against that which their principal spokesman had advocated, Her Majesty's Government were perfectly consistent with themselves, because, in reality, they were voting against that which Mr. Forster voted against in the House of Commons. I believe the right hon. Gentleman voted against having the poll open till 8 o'clock. It is obvious enough, however, that until the division was called the Government never dreamt of voting with my noble Friend; but having had an unfortunate evening, they thought they would take this opportunity of somehow getting a vote in their favour.

THE LORD CHANCELLOR: The noble Marquess who says we have had an unfortunate evening, and the noble

Lords who support him, are evidently disappointed at not having the monopoly of spoiling the Bill. I suppose it is the opinion of the noble Marquess—though it is not ours—that the last Amendment of the noble Earl (the Earl of Shaftesbury) has had some effect in spoiling the Bill, and if so, of course, he and those who support him will be consistent in continuing the course of action which has been going on the whole evening, and in rendering the whole Bill as unlike the measure which came from the House of Commons as can possibly be conceived. As regards the particular question on which the division was taken, it was one of detail, and my noble Friend (the Marquess of Ripon) wished to make such a variation in the hours of polling as would give the working men every opportunity of exercising the franchise, and our vote was perfectly in harmony with the speech of the Lord President. There is nothing in the clause to prevent us from bringing up on the Report an Amendment to the effect that a variation in the hours of polling should be made at different periods of the year, but that the polling should never be continued after 8 o'clock.

THE DUKE OF MARLBOROUGH: This is such a singular instance of consistency on the part of the Government, that I think I ought to draw attention to it. I believe that Her Majesty's Government made in the other House a proposal in regard to this question of keeping open the poll, and that on the proposal being found unacceptable they acted as they did on the present occasion—they spoke one way and voted another.

THE MARQUESS OF BATH: During the long time I have been in this House I have known many learned Lords who sat on the Woolsack. But all those noble and learned Lords, whatever their views may have been, have held them with dignity and firmness—with judicial firmness, and with the appearance at all events of judicial moderation. We have heard the noble and learned Lord opposite speak often in this House, and twice in the course of this evening, and I must say he never rises to address your Lordships without showing acrimony and bitterness, and imputing motives to his political opponents.

EARL GRANVILLE: I must protest against the language used by the noble Marquess. I can only attribute what has fallen from him to the ignorance which is natural in consequence of his having been absent from the House up to a very short time ago. The notion that my noble and learned Friend is wanting either in moderation or dignity is one which I never before heard even whispered by the opponents of Her Majesty's Government. I regret extremely that an imputation should have been cast upon us of any unfairness towards the opposite side of the House; but I cannot help thinking that noble Lords opposite, accustomed as they are to exercise a despotism in this House—["Oh, oh!"]—

LORD CAIRNS: I rise to Order. The noble Earl has already spoken.

EARL GRANVILLE: Why, we are in Committee at this very moment, and any noble Lord can make remarks as often as he pleases. ["Oh, oh!"] I repeat that the noble Lords opposite, with the enormous power they wield in this House—["Oh, oh!"]—Am I saying anything which is not true? Noble Lords opposite are so accustomed to have their own way in matters of this sort, that they cannot conceive any course being taken except for us to vote and be beaten on every Amendment they propose. What is there unfair in what we have done? Putting all other questions aside, it comes to this—that if the noble Duke opposite had known more clearly than he seems to have done the line of voting we should take, he would have been able to exercise his influence over Members of his own party in order to prevent them from voting in the way they thought right.

THE DUKE OF RICHMOND: After the very pointed manner in which the noble Earl the Foreign Secretary has just alluded to me, your Lordships will not think it extraordinary if I rise to make a few remarks. The noble Earl has stated that if I had known the manner in which Her Majesty's Government were going to vote, I should have exercised my influence to induce noble Lords on this side of the House to vote in a way contrary to that which they thought right. I have not had the honour of a seat in this House for so long a period as many noble Lords whom I see round me; but I have sat in this House upwards of 10 years, and I think I never

before heard in it so personal a remark as that which has just fallen from the noble Earl. My Lords, the noble Earl stated that as we on this side of the House were the majority, I was in the habit of exercising what he is pleased to call a despotism—that is to say, that I have the power and also the inclination to direct the noble Lords whom I now see around me to vote on every occasion in the way I prescribe, and that I am the despot who rules noble Lords on this side of the House. Now, my Lords, let me point to what happened last week. I call as witness the noble Earl opposite who had charge of the Licensing Bill (the Earl of Kimberley). I want to know whether anything like despotism was exercised on this side of the House on any occasion; whether there were not occasions—certainly there was one occasion—when, if I had urged noble Lords on this side to take the course that occurred to my mind, I could not have carried Amendments which noble Lords opposite would have thought hostile and injurious to the Bill? After what happened on that occasion the noble Earl the Secretary of State for Foreign Affairs has no right to tell me that I exercise a despotism over noble Lords on this side of the House. More than that—he has no right to make personal remarks, and to impute to me motives which, if I held them, would render me unworthy to sit in this House, and to hold the position I have the honour to hold. It is an imputation that I venture to appeal to noble Lords on this side to vote contrary to their views and wishes, because, forsooth, we are anxious to be in a majority on every occasion. I regret that matter of so personal a character has been introduced by the noble Earl, and, feeling so strongly upon it, and that the noble Earl has not a tittle of foundation for the language he has used, I have taken the liberty of making these remarks.

THE MARQUESS OF CLANRICARDE:—I move that the Clerk at the Table do read the Order of the House relating to Asperity of speech.

The Clerk at the Table accordingly read the 18th Order of the House, as follows:—

“To prevent Misunderstanding, and for avoiding of offensive Speeches, when Matters are de-

bating, either in the House or at Committees, it is for Honour Sake, thought fit, and so ordered, That all personal, sharp, or taxing Speeches be forborn, and whosoever answereth another Man's Speech shall apply his Answer to the Matter without Wrong to the Person: and as nothing offensive is to be spoken, so nothing is to be ill-taken, if the Party that speaks it shall presently make a fair Exposition, or clear Denial of the Words that might bear any ill-construction, and if any offence be given in that Kind, as the House itself will be very sensible thereof, so it will sharply censure the Offender, and give the Party offended a fit Reparation, and a full Satisfaction.”

THE MARQUESS OF CLANRICARDE: The Motion before your Lordships is that the Committee report Progress. I move as an Amendment that the next clause of the Bill be now read.

THE CHAIRMAN OF COMMITTEES said, the next Question was that the second clause of which the noble Earl (the Earl of Shaftesbury) had given notice should be inserted in the Bill.

Moved, after the above inserted clause, to insert the following clause:—

(“That on any day fixed for polling at any contested election for any borough or borough county in England or Wales after the passing of this Act, it shall not be lawful for any licensed victualler or person licensed to sell beer by retail to be drunk on the premises, or not to be drunk on the premises, or any person licensed or authorised to sell any fermented or distilled liquors in any part of England or Wales, to open or keep open his house in any borough where a polling place is situated for the sale of beer, wine, spirits, or any other fermented or distilled liquors between the hours of eight of the clock in the forenoon of such polling day and eight of the clock of the afternoon of the same day, if the polling shall so long last, except for refreshments to a bona fide traveller or a lodger therein.”)—(*The Earl of Shaftesbury.*)

LORD DENMAN said, the only clause relating to public-houses was contained in the Ballot Bill of last year; but that contained a penalty of £20, so that the clause would require consideration in “another place” before it could be adopted.

THE EARL OF KIMBERLEY said, he had no difficulty in stating what course the Government would pursue. They were of opinion that the clause related to a matter which would be better dealt with by the Corrupt Practices Bill. In order not to mislead the House he might inform their Lordships that the Members of the Government were about to vote against the clause.

On Question? Their Lordships *divided*:—Contents 43; Not-Contents 133: Majority 90.

Resolved in the *Negative*.

Application of Part of Act to Scotland.

Clause 16 (Alterations for application of Part I. to Scotland).

LORD COLONSAY moved to insert words in sub-section 5, providing for the increase of polling-places in certain districts of Scotland.

THE DUKE OF ARGYLL opposed the Amendment. The provisions of this part of the Bill were quite inapplicable to Scotland. The sheriffs of counties had complete power satisfactorily to regulate the subject.

Amendment, by leave of the Committee, *withdrawn*.

Clause *agreed to*.

Clauses 17 to 32, inclusive, *agreed to*, with Amendments.

Clause 33 (Short title).

EARL BEAUCHAMP, in moving the Amendment of which he had given Notice, that the Act should continue in force till the end of the year 1880, said, that if the Act produced all the good results its promoters anticipated, there would be a general concurrence of opinion in favour of its renewal; and the objections of those who entertained grave doubts as to its working would in a considerable degree be modified if it were known that at the expiration of that period the Act would be impartially reviewed and its defects remedied by the aid of enlightened experience. A great deal had been said of the results of the system of secret voting in our Australian Colonies; but he denied the correctness of the analogy, for the circumstances of those colonies were very different from those of this country, and it did not follow that because the Ballot had succeeded in Australia it would therefore succeed in this country. Their Lordships ought, therefore, to pause before committing themselves to its permanent adoption. No doubt Parliament always had the power of revising in one year what it had done in a previous one; but he wished to secure that after a given time, this particular legislation should undergo reconsideration. He was anxious

that that system, if Parliament in its wisdom adopted it, should receive a full and fair trial. He did not think that one General Election only would be sufficient to test properly the working of a measure so wholly new as the Ballot; but if, as he proposed, the Bill was continued in operation till the end of 1880, two General Elections at least must necessarily occur in the interval.

Amendment *moved*, at page 19, at end of Clause 33, to insert—

("and shall continue in force till the thirty-first day of December, one thousand eight hundred and eighty, and no longer, unless Parliament shall otherwise determine; and on the said day the Acts in the fourth, fifth, and sixth schedules shall be thereupon revived; provided, that such revival shall not affect any act done, any rights acquired, any liability or penalty incurred, or any proceeding pending under this Act, but such proceeding shall be carried on as if this Act had continued in force.")—(*The Earl Beauchamp*.)

THE MARQUESS OF RIPON thought it highly undesirable to enact that a Bill of that nature and magnitude should be of temporary duration, so that Parliament in a given year would be forced to reconsider it, whether the Business of the country or the then state of public affairs might render such a course convenient or otherwise. It was competent for Parliament at the end of eight years—or in one or two years, if it thought fit—to amend that or any other Bill after it had seen how it worked, or even to repeal it altogether. But to provide that Parliament should take up again in 1880 that question which for the last two years had given rise to such lengthened discussions was a proceeding almost without precedent, and one that might impose on a future Parliament a burden which might be very inconvenient.

LORD CAIRNS said, there were several precedents for the Amendment, and even so recently as the Irish Land Act provisions had been inserted which fully justified the present proposal. Moreover, every provision in this Bill was of such a tentative and speculative kind that if ever there was a measure which ought to be limited in its duration in the first instance it was this one. The advocates of the Ballot thought it would have a great effect in checking bribery, intimidation, and similar matters. Other persons thought that an erroneous expectation. Nothing but experience could prove which of those opposite views was

correct. They had been told that the state of things in regard to elections in Ireland could hardly be worse than it is. Well, time and experience could alone test that. He (Lord Cairns) was himself of opinion with many others that this Bill would turn out in practice to be a gigantic scheme of disfranchisement—that those voters who could not read and write would be disfranchised, from the great reluctance which such persons felt to come forward and confess their ignorance; while those who could only read and write imperfectly would be disfranchised from the difficulty they would experience in filling up their ballot-papers, and from the nervousness and uncertainty which would always attend their execution of the operations prescribed by the Bill. Nothing but time could show whether the Bill would be popular with the country, and if it were distinctly understood that the whole matter must of necessity be reviewed in the year 1880, people would express themselves upon its working with that in view.

On Question? Their Lordships *divided*:—Contents 106; Not-Contents 69: Majority 37.

Resolved in the Affirmative.

Words *added*.

Clause, as amended, *agreed to*.

FIRST SCHEDULE.—(*Rules for Parliamentary Elections.*)

THE DUKE OF RICHMOND proposed an Amendment in sub-section 26, which provides that "the declaration of inability to read" shall be made "before a justice of the peace," and on the production of that declaration have their voting papers filled up by the presiding officer, a provision giving the presiding officer that power on the declaration being made in the first instance before himself. He did not believe it possible that the voters who desired to vote under this provision would be able to find the necessary time to visit the magistrate, even if they knew where to find him. In all probability, too, the demands made upon the magistrate would be beyond his ability to perform, and as working men could only devote certain portions of the day to such work, the magistrate might be called upon just as he was handing a lady down to dinner to attend

to these declarations. He proposed the Amendment, because he believed that the proposal contained in the Bill would practically disfranchise a large number of working voters.

Amendment *moved*, page 24, lines 25 and 26, to leave out ("produces such declaration as hereinafter mentioned,") and insert ("declares.")—(*The Duke of Richmond*).

THE MARQUESS OF RIPON opposed the Amendment. He did not believe that any very large number of voters would find it necessary to avail themselves of the provision, nor could he see that it inflicted any hardship upon those who would vote under it.

LORD CAIRNS said, the object of the Amendment was to enable as many voters as possible to exercise the franchise. On the other hand, according to the noble Marquess, the Government were so enamoured of the principle of secret voting that in order to carry it they would willingly run the risk of disfranchising any number of voters, who, if they voted at all, could only vote openly. The declaration was not a declaration of inability to spell, but of inability to read, and he desired to know why the working voter who could not read should be placed in a worse position than a Jew, for whom the presiding officer might fill up a paper on a declaration being made before him that the voter was a Jew and had conscientious objections against writing on a Saturday. The poor elector, moreover, had to make this declaration before a magistrate between the day of nomination and the day of polling. How was that to be done? He was told that at the last election at Manchester 77,857 persons recorded their votes, and he did not believe he was exceeding the fair proportion if he estimated the voters out of that number who could not read at 10,000. He should be glad to know how it could be expected that these 10,000 voters should be able between the day of nomination and the day of polling to find time to go before magistrates for this purpose, or find magistrates sufficiently numerous and disengaged to attend to these declarations. The Bill, too, made no provision for the distributing of these declarations, and did not state where they were to be obtained.

In fact, everything was to be done by magic. An honest man could have no object in making a false declaration; but the Government, rather than run the risk of destroying the symmetry of the scheme of secret voting, preferred to make the disfranchisement of a large number of voters certain.

THE EARL OF KIMBERLEY believed that if even 10,000 voters out of the number referred to by the noble and learned Lord opposite were unable to read, it would be too much to assume that they must necessarily avail themselves of this clause; for, as the list of candidates would be numbered, it would be no difficult matter for a voter who could not read to place his cross opposite to the number of the candidate for whom he desired to vote. No doubt, the question was one of considerable difficulty. He thought the best course would be to maintain the clause in its present form, because, if voters were put to some little trouble in order to make their declarations, the probability of the responsibility being shirked and the declarations being lightly or fraudulently used would be diminished.

THE EARL OF POWIS referred to the fact that in a previous clause it had been decided that voters should not be required to go more than two miles to poll. Now, if the present clause was adopted the "illiterate voters" might, in thinly-populated districts, have to go five or 10 miles in order to find a magistrate to take their declaration.

On Question, That the words proposed to be left out stand part of the Question? Their Lordships *divided*:—Contents 59; Not-Contents 91: Majority 32.

Resolved in the Negative.

Words *struck out*.

Then the word ("declares") *inserted*.

Further Amendments made.

LORD KINNAIRD said, he had placed Amendments on the Paper to exclude agents from the polling-places to secure greater secrecy, but as the Bill had been amended in a contrary direction he would not press them.

Schedule, as amended, *agreed to*.

SECOND SCHEDULE.—(*Forms*.)

THIRD SCHEDULE.—(*Provisions of Registration Acts referred to in Part III. of the foregoing Act.*)

Lord Cairns

FOURTH SCHEDULE.—(*Acts relating to England.*)

FIFTH SCHEDULE.—(*Acts relating to Scotland.*)

SIXTH SCHEDULE.—(*Acts relating to Ireland.*)

Severally agreed to.

The Report to be received on *Friday* next, and Bill to be *printed*, as amended. (No. 157.)

House adjourned at half past Twelve o'clock, A.M., till half past Ten o'clock.

HOUSE OF COMMONS,

Monday, 17th June, 1872.

MINUTES.]—NEW MEMBER SWORN—Hon. William le Poer Trench, for Galway County.

SELECT COMMITTEE—Pawnbrokers, *nominated*.

Report—Tramways (Metropolis) [No. 252].

SUPPLY—*considered in Committee*—CIVIL SERVICE ESTIMATES.

PUBLIC BILLS—*Ordered—First Reading*—Admiralty and War Office Rebuilding* [200]; Victoria Park* [201]; Drainage and Improvement of Lands (Ireland) Acts Amendment* [202].

First Reading—Intoxicating Liquor (Licensing)* [198].

Second Reading—Courts of Law (Scotland) Agents* [135]; Review of Justices' Decisions* [190].

Second Reading—Referred to Select Committee—Pier and Harbour Orders Confirmation (No. 3)* [171].

Committee—Report—Chain Cables and Anchors Act (1871) Suspension* [183]; Fires* [7-199]. *Considered as amended*—Customs and Inland Revenue [106].

Third Reading—Queen's Bench (Ireland) Procedure* [126], and *passed*.

Withdrawn—Municipal Corporation Acts Amendment* [24].

REGISTRARS OF DEEDS, &c. (MIDDLESEX).—QUESTION.

MR. CUBITT asked the Secretary of State for the Home Department, Whether the Registrars of Deeds for the county of Middlesex have as yet adopted a uniform system of fees, and reduced the fees charged to the scale prescribed by their Act, and if the records are still deposited in a building which is not fireproof; whether he can state the amount of emoluments received by the two surviving Registrars and by the Treas-

surey in the years 1870 and 1871, and whether the fees of the vacant Registrarship are still divided between the two Registrars and the Treasury; if he can inform the House that no steps will be taken by the Lord Chief Justice to fill the vacant Registrarship; and, if Her Majesty's Government, pending the re-introduction of a general measure for the transfer of land, and the consequent abolition of the Middlesex office, contemplate taking any steps to put a stop to the existing abuses in the office as reported by the Royal Commissioners?

MR. BRUCE said, in reply, that he had reason to believe that no alteration had been made in the system of fees for registering deeds in the county of Middlesex since a Question was put on that subject two years ago. The fees were regulated partly by Act of Parliament and partly in accordance with the advice of eminent counsel; and the records were deposited in a building which he believed was not actually fireproof, but for the security of which considerable expense had been incurred. He was informed that in all respects it was as fireproof as the building in which wills were deposited, and that every possible precaution was taken against fire. The emoluments of the Registrars in 1869 were £2,561; in 1870 they were £2,145; and in 1871, £1,911; and they were still divided in the same manner as that which he described when he answered the Question put two years ago. He might state, however, that one of the Registrars had recently died, and that it was the intention of the Government to introduce a Suspensory Act which would deal with the matter provisionally, until such time as the whole matter came up for settlement under the Land Transfer Act.

ARMY—MILITIA CAMP, APPLEBY.

QUESTIONS.

MR. J. LOWTHER asked the Surveyor General of the Ordnance, Whether his attention has been called to the arrangements made by the Control Department at the Militia Camp near Appleby; if it is true that the straw for the men's bedding, which was due on the 3rd of June, was not delivered until the 7th instant; that the bread was (for some days especially) of an inferior quality; that the wood supplied for cooking purposes was green and utterly

unfit for use; that scales were sent without triangles upon which to hoist them; and that the pumps having failed to furnish an adequate supply of water, a water cart was sent, but no horses being provided or authority given for the receipt of tenders for that purpose until ten days after the arrival of the cart at the Camp, it could not be used, and water had to be brought from a considerable distance, thereby necessitating the employment of men upon fatigue duties when they would otherwise have been engaged at drill; and, who is responsible for these arrangements?

MR. WHITWELL said, he wished also to ask the right hon. Gentleman, If his attention has been drawn to the fact that of the three regiments that were camped together, one regiment ran away with a barrel of beer from the stores, and that complete disorder ensued; whether he has heard of a case, where the men being refused beer, they commenced an onslaught on the publican's premises, and broke the whole of the glass in the window with the exception of two panes; and whether it has been reported to him that there were a number of unlicensed houses selling liquor to the soldiers in addition to that provided by the canteens to a considerable extent—to the extent, as he had been informed, in one instance, of several hundred barrels?

SIR HENRY STORKS: Sir, my attention has not been called to the unsatisfactory nature, as alleged, of the arrangements made by the Control Department at the camp near Appleby, until my hon. Friend placed his Question on the Notice Paper, nor to the details quoted by the hon. Member for Kendal. Since then, however, inquiries have been made into the matter, and as the result of those inquiries is not, in my opinion, satisfactory, a Court of Inquiry will be appointed to investigate the circumstances and complaints brought forward by the hon. Gentlemen. I shall be prepared to answer my hon. Friend's Question when the result of the Court of Inquiry has been communicated to me, of which I will give them notice.

EDUCATION—THE NEW CODE, 1871— EVENING SCHOOLS.—QUESTION.

MR. C. DALRYMPLE asked the Vice President of the Committee of Council,

with reference to an answer given by him on the 1st March last, Whether he is now in a position to state what decrease there is in the number of Evening Schools and Scholars inspected during the past owing to the regulations of the New Code?

MR. W. E. FORSTER said, in reply, that he could not state precisely what was the decrease in the number of evening schools and scholars inspected during the past year, owing to the regulations of the New Code, because the year for which the Returns were made did not expire till the 31st of August. But as the night schools were generally held during winter, he might state that the number of the schools had decreased from 2,100 to 1,300, but he could not give any information as to the number of the scholars. He would take that opportunity of stating what were the requirements with regard to night schools. The House would be aware that, under the Revised Code, before the passing of the Education Act, only 40 meetings were required to enable a school to receive the Parliamentary Grant, and each scholar was required to attend 24 times before coming up for examination. It was proposed, in the New Code, to make the number of meetings 80, and the number of attendances 50 for the year; but it was ultimately decided that the number of meetings should be reduced to 60, and the attendances to 40. That arrangement was to have lapsed this year, but Lord Ripon and himself had determined to continue it, believing that a less number of attendances would not give a school a right to receive public money.

WORKSHOP REGULATION ACT (1871).

QUESTION.

MR. C. DALRYMPLE asked the Secretary of State for the Home Department, Whether, looking to the fact that in many parts of the country, such as the nailing districts, the Workshop Act is at present a dead letter, owing to the insufficiency of inspection, it is his intention to take any steps to give effect to the Act by adding to the number of Inspectors in such districts, or otherwise?

MR. BRUCE, in reply, said, he could not admit that the Workshop Regulation Act (1871) was a dead letter in many

Mr. C. Dalrymple

parts of the country, for since the Act was passed last Session there had been a great number of prosecutions instituted under it. In Mr. Baker's district alone no fewer than 70 such prosecutions had been instituted. Great difficulty was experienced owing to the fact that the Act applied to a much more ignorant class than the Factory Acts dealt with, and a knowledge of its provisions had to be brought home to that class. That was being done with the greatest possible speed, and an addition of eight sub-Inspectors had recently been made to the force whose duty it was to carry the Act into operation. He was informed that quite as much progress had been made in carrying out the Act as under the circumstances was possible. It was many years before the Factory Acts could be fully enforced, and therefore the hon. Member should not be surprised at some difficulty having been experienced in bringing the Act into working order, because the difficulty was far greater in dealing with men carrying on the petty trades to which the Workshop Act applied.

WATER SUPPLY (METROPOLIS) VICTORIA PARK.—QUESTION.

MR. HOLMS asked the First Commissioner of Works, What steps have been taken since the 11th of March, when this subject was brought under his notice by a question in this House, to have the Bathing Ponds in Victoria Park cleaned out and improved; and, when he expects such work to be completed?

MR. AYRTON said, in reply, that steps had been taken to obtain a supply of fresh water for the bathing ponds in Victoria Park by means of boring, and that the necessary works would be completed in a short time. It was not desirable to empty the lakes during the present warm weather, but when the proper season arrived they would be cleaned out. It was impossible to say how long the latter operation would take.

POLICE SUPERANNUATION.

QUESTION.

MR. EYKYN asked the Secretary of State for the Home Department, Whether it is his intention during this Session to deal with the subject of Police

Superannuation; and, if he will allow the system of commutation of Pensions to be extended to Annuitants under any proposed alterations he may be pleased to make?

MR. BRUCE said, he regretted that he would be unable to introduce a measure on the subject of police superannuation during the present Session; but whenever such a Bill was brought in, full consideration would be given to the suggestion of the hon. Member as to allowing the system of commutation of pensions to be extended to annuitants under any proposed alterations it might be found desirable to make.

CUSTOMS' DEPARTMENT—OUT-DOOR OFFICERS—COMPETITIVE EXAMINATIONS.—QUESTION.

LORD GEORGE HAMILTON asked the President of the Board of Trade, Whether there were not sixty out-door officers of the Customs Department of the Port of London, from fifteen to twenty-seven years' service, who, after special recommendation, are employed to act as examining officers and gaugers for an average period of seven years, yet who are subjected, in respect to half the vacancies occurring in the examining officers' and gaugers' department, to a competitive examination with young officers of five years' service, who have never acted in the same capacity; and, if so, whether an arrangement could not be made by which the competitive examination would be limited to officers of practical experience, and thus prevent young and inexperienced officers from superseding tried men of many years' service?

MR. BAXTER: Sir, the facts stated in the Question of the noble Lord are generally correct, with the exception that the young officers who are allowed to compete must have not less than five years' service; but I think that the arrangement which he suggests would not be so beneficial to the public service as that which at present exists, and which, while it gives sufficient consideration to practical experience, at the same time is a great encouragement to young men of superior intelligence and ability,

PARLIAMENT—PRIVATE LEGISLATION THE RESOLUTIONS—QUESTION.

MR. DODSON asked the President of the Board of Trade, Whether he will

make a statement of the steps which Her Majesty's Government propose to take to give effect to the Resolution of the House of March 22nd in favour of the reform of Private Legislation?

MR. CHICHESTER FORTESCUE said, he could assure the right hon. Gentleman that this subject was under consideration and would not be allowed to drop. He would remind him that the share of responsibility which he had undertaken was mainly to ascertain whether the system of Provisional Orders could be improved and extended. He was engaged in carrying on that inquiry by all means in his power; but it was an inquiry which could not be confined to the Board of Trade, and for that purpose he was in communication with other Departments of the Government, but he was not in a position to tell the right hon. Gentleman positively when he could give him information upon the subject. He might add that there were Resolutions before the House proposed by the hon. Member for the West Riding (Mr. F. S. Powell), which were of an interesting character, and that there was also the question how far the inquiry which had been conducted for so many weeks by the Railway Committee upstairs, which was now coming to a close, might have a bearing on the subject.

CRIMINAL LAW—FREEMASONRY—CASE OF DAVID FARRELL.—QUESTION.

MR. O'REILLY asked Mr. Attorney General for Ireland, Whether on the occasion of an inquest held at Sutton, in the county of Dublin, before Dr. Davys, Coroner, on the body of the boy David Farrell, who was killed at Baldoyle Races, in consequence of falling under the railway carriages, a witness named Strahan gave the following evidence:—

"There was a very large crowd assembled on the platform, and amongst them five or six respectably dressed men, who had formed themselves into a kind of triangular wedge, and were pushing along the crowd, parallel to railway line. Their conduct, he believed, was monstrous, and, as the result of the pushing, he saw people thrown off the platform on to the rails. Almost directly afterwards he heard the shout that a boy was killed. He knew one of the men engaged in pushing, but as he was a brother Freemason, he could not reveal his name;"

whether the witness was justified in refusing to reveal the name of the incriminated person on the ground that he

was a "brother Freemason," or whether there is any such legal privilege for Freemasonry; if not, whether the Coroner was right in not requiring the witness to state the name of the person whose improper conduct he stated led to the fatal result?

THE ATTORNEY GENERAL FOR IRELAND (Mr. Dowse) said, reference was made in the Question of the hon. Member to a statement that had been made at the Coroner's Inquest held on the body of a boy named David Farrell, who was killed at Baldoyle Races in consequence of falling under the railway carriages. A witness stated that he knew one of the men engaged in pushing when several persons fell off the platform, but that as he was a brother Freemason he could not reveal his name. In reply to the Question he (Mr. Dowse) had to say that this witness was not justified in refusing to reveal the name of the person on that ground, neither had he ever heard of any such privilege being claimed before. The Coroner had placed himself in communication with the Government, and had pointed out that no evidence had been given incriminating any of the five persons who had been pushing, and to whom the witness Strahan referred, adding that it was on this account he had not thought it necessary to insist upon the witness revealing the name. The Report which had been received from the Constabulary substantially confirmed the Coroner's statement. He might add that the gentleman referred to by Mr. Strahan had written to the papers, giving his name, and admitting that Freemasons had no such exemption as had been claimed for them. The Coroner was not justified in declining to ask the name, and instructions had been given to the Crown Solicitor to see whether there was ground for proceeding farther in the matter, and no doubt, if there was, Mr. Strahan would see cause to state the name of the person he referred to at the inquest.

CRIMINAL LAW—CASE OF JOHN RICHARD DYMOND.—QUESTION.

SIR STAFFORD NORTHCOTE asked the Lord Advocate, Whether his attention has been called to the proceedings in the case of John Richard Dymond, sentenced by the Aberdeen Circuit Court on the 26th April 1872, to penal servitude for five years for a fraud upon the

Mr. O'Reilly

Scottish Legal Burial Society; and, whether there is any objection to the production of the precognitions taken in the case, for the information of the Royal Commission on Friendly Societies?

THE LORD ADVOCATE: Sir, my attention was called some months ago to this case when the proceedings were originally instituted, and the matter was brought to trial in the ordinary Court of Justice, resulting in the conviction of the prisoner upon his own confession. I may say that it is against the rule for the Crown Office to produce the precognitions; but I have taken upon myself to order their production on some occasions where it might be done without detriment to the public service, and would serve some useful purposes. I have desired information in regard to this particular case, and I have to inform the right hon. Baronet that I think the present a suitable occasion for relaxing the ordinary rule, and therefore the precognitions for which he asks will be produced.

INDIA—DRAFTS ON LONDON.

QUESTION.

MR. CRAWFORD asked the Under Secretary of State for India, Whether he can give the House any information with reference to certain alleged purchases by the Bank of Bengal of a large amount of private Bills of Exchange drawn at Calcutta upon London, on account of the Government of India; and of Five-and-a-half Promissory Notes of the Public Debt of India in London under orders of the Bank of Bengal on the same account?

MR. GRANT DUFF: Sir, no full and official account of the transaction alluded to by my hon. Friend has yet reached the Secretary of State in Council, but I know that certain purchases both of bills and of Government securities were made by the Bank of Bengal on behalf of the Government. For such purchases no sufficient authority had been given, but under the circumstances the Government of India did not consider it necessary to cancel them, although it clearly intimated that nothing more must be done in the same direction without explicit sanction. It may be convenient if I add that what has happened will not interfere with the regular drawings of the Secretary of State for India.

NAVY—THE "THALIA" STORESHIP.
QUESTION.

MR. A. GUEST asked the First Lord of the Admiralty, Whether his attention has been drawn to the Statement in the Public Journals, that the "*Thalia*" storeship has been selected to convey a large number of Supernumeraries to China, although her scuttles do not admit of being opened when at sea, and that the War Department on a recent occasion refused to recognize her as a vessel fit for the transport of troops, and if there is any foundation for this statement?

MR. GOSCHEN, in reply, said, in the first place, the *Thalia* was not a store-ship, but a corvette of six guns, specially constructed to carry a certain number of supernumeraries, she having been designed, like her sister ship the *Juno*, to take the place of some of the old paddle steamers. The *Thalia* was a perfectly new ship, and had as yet scarcely done any service. She had not been selected to carry a number of supernumeraries, but to replace her sister ship, the *Juno*; and there had been no correspondence with the War Office on the subject of conveying supernumeraries. The lower deck of the *Thalia* was constructed precisely on the same principles as that of an ordinary frigate; her scuttles could be opened in the same weather, and the persons below would have the same amount of comfort or discomfort as the crew of an ordinary frigate.

POST OFFICE—THE TELEGRAPH
CLERKS.—QUESTION.

MR. SYNAN asked the Secretary to the Treasury, Whether the classification of Telegraph Clerks forwarded by the Postmaster General has been approved of by the Treasury; and, if not, whether it is likely to be so; and, when the new classification will be issued by the Treasury?

MR. BAXTER said, in reply, that a classification of the telegraph clerks had been forwarded by the Postmaster General to the Treasury, along with a very voluminous Report concerning other branches of the subject. That Report was now under consideration; but, at present, he was not able to announce that any decision had been come to.

VOL. CCXI. [THIRD SERIES.]

TREATY OF WASHINGTON.
"PROVISIONAL USE."—QUESTION.

MR. BAILLIE COCHRANE asked the First Lord of the Treasury, Whether the United States have, since the signature of the Treaty of Washington, availed themselves of the provisional use of the privileges granted to them by that Treaty in the Dominion of Canada, Prince Edward's Island, and Newfoundland; and whether they will continue to do so in the event of the postponement of the Arbitration; and, whether the term "provisional use" does not imply that, in the event of the failure of the Treaty, the provisions of the Treaty with respect to the Fisheries must come to an end?

MR. KNATCHBULL-HUGESSEN: As this question bears directly upon the Colonial Department, my right hon. Friend at the head of the Government has requested me to answer it. I shall do so according to the best of my ability. My hon. Friend will really find the answer to the first part of the Question in the Papers which have been presented to Parliament. The Government of the United States applied for the provisional use of the privileges granted to them by the Treaty of Washington in the Dominion of Canada, Prince Edward's Island, and Newfoundland during the fishing season of 1871—that is, last year. In the exercise of her undoubted right Canada refused to allow that provisional use, and the fishermen of the United States have consequently been, and continue to be, excluded from the Canada fisheries. Prince Edward's Island and Newfoundland granted the permission, and Newfoundland has continued to grant it during the present season. With regard to the latter part of the Question—which refers to the meaning and signification of a word in the English language—I should hardly presume to instruct my hon. Friend; but I think he and the House will probably concur with me in the opinion that the words "provisional use" mean a use which is temporary, and contingent on the occurrence of something else. That something else I take to be the legislation necessary to carry out the provisions of the Treaty by the Imperial Parliament and the Colonial Legislatures on the one hand, and the Government of the United States upon the other; and,

if that legislation do not take place, I apprehend that without doubt the provisional use will fall to the ground.

INDIA—MISSION FROM TALIFOO.

QUESTION.

SIR STAFFORD NORTHCOTE asked the Under Secretary of State for India, Whether the Secretary of State has received any communication from the Government of India respecting a mission which is reported to have been sent from Talifoo; and, whether any arrangements have been made for the reception of such mission?

MR. GRANT DUFF: Sir, in reply to my right hon. Friend, I have to say that we did receive such a communication, and that the arrangements proper under the circumstances have been made.

WEIGHTS AND MEASURES (METRIC SYSTEM) ACT (1864).

QUESTION.

MR. J. B. SMITH asked the President of the Board of Trade, Whether he intends to bring forward any measure to relieve persons who, acting under an Act of Parliament passed in 1864, which declared "it is expedient to legalize the use of the Metric system of Weights and Measures," make use of the same, but who, according to the opinion of the Law Officers of the Crown, are liable to be prosecuted if such weights and measures are found in their possession; and, whether he intends during the present Session to bring in a general measure for the regulation of weights and measures?

MR. CHICHESTER FORTESCUE said, the Question was to a certain extent founded upon a misconception of the Act to which it made reference, for, while the Preamble of the Act declared that it was expedient to legalize the use of the metric system of weights and measures, the enacting part only legalized contracts made in metric terms. The Standards Commission had, however, recommended the permissive legalization of the metric system, and he might say that any Bill he might bring in on the subject of weights and measures would endeavour to carry that suggestion into effect. He did not see, however, any prospect of introducing such a Bill during the present year.

Mr. Knatchbull-Hugessen

IRELAND — GALWAY ELECTION PETITION — MR. JUSTICE KEOGH'S JUDGMENT.—QUESTION.

MR. P. SMYTH asked the Chief Secretary of State for Ireland, When the shorthand writers' notes of the evidence taken at the trial of the Galway Election Petition and of the judgment of Mr. Justice Keogh will be in the hands of Members?

THE MARQUESS OF HARTINGTON said, in reply, that as the subject was one which did not officially come within his control, he had no power whatever over the time when the notes of the evidence taken at the trial of the Galway Election Petition and the Judgment of Mr. Justice Keogh would be in the hands of Members. He had, however, made inquiry of the printer, and he was informed that the Judgment would probably be printed and ready for distribution on Thursday next; but that the notes of evidence, which were extremely voluminous, might not be ready for three weeks or a month.

MR. O'CONOR asked the First Lord of the Treasury, If his attention has been called to the late decision of the Court of Common Pleas in Ireland, which introduces into Parliamentary Election Law the principle that a candidate at a contested Election may obtain a seat without having polled a majority of votes in a constituency; whether the introduction of such a principle was not disapproved by the Government and rejected by the House when proposed in a modified form by the hon. Baronet the Member for Reading on the 25th April last; and, what steps the Government are prepared to take to give effect to the wishes of the House, as expressed on that occasion?

MR. GLADSTONE: Sir, my attention has certainly been called, in common with that of most hon. Members of the House, to the late decision of the Court of Common Pleas in Ireland. I am very sensible of the great importance and even the urgent character of some of the considerations involved in that Judgment; but I do not see that any advantage would arise—and I hope my hon. Friend will be inclined to agree with me—from any fragmentary announcement with respect to a matter of so much importance. I think we should approach the question as a whole,

MR. O'CONOR asked Mr. Attorney General, Whether his attention has been drawn to the judgment lately delivered by Mr. Justice Lawson, in the Court of Common Pleas in Ireland, in which that learned judge is reported to have stated that the Parliamentary Elections Act of 1868 required amendment; if so, whether he still proposes to re-enact and make permanent that Act in a single Clause of the Corrupt Practices Bill, which by its form precludes the possibility of any amendment to it being placed on the Paper?

THE ATTORNEY GENERAL said, that he had nothing to add to the intimation which had been given the other evening on this subject by his right hon. Friend at the head of the Government, in answer to his right hon. and learned Friend the Member for Clare (Sir Colman O'Loughlen).

IRELAND—GALWAY ELECTION PETITION—OUTRAGES ON MR. JUSTICE KEOGH.—QUESTIONS.

SIR ROBERT PEEL: I wish, Sir, to ask the right hon. Gentleman at the head of the Government, Whether any and what steps have been taken at the instance of the Lord Chancellor, or the Government of Ireland, in vindication of the dignity of the judicial Bench, on account of the outrages to which it has been subjected in the person of Mr. Justice Keogh for his recent judgment in support of freedom of election?

MR. GLADSTONE: Sir, I have had no communication from the Lord Chancellor of Ireland, Mr. Justice Keogh, or any one connected with the Government of Ireland on the subject, and I apprehend possibly that those who are interested in it will look to the circulation of the Judgment and Evidence in the Galway Petition Case among the Members of this House as the proper time for entering upon the question.

Afterwards—

COLONEL STUART KNOX, in reference to the answer just given by the Prime Minister to the Question of the right hon. Baronet (Sir Robert Peel), said he desired to learn, Whether the Government of this country were not interested in the treatment accorded to the Judges in Ireland, and whether they viewed with indifference such conduct as burning them in effigy and otherwise

insulting them? He should be glad to know to whom the right hon. Gentleman referred as "those who are interested in it," and whether an opportunity would be afforded to the House of discussing the matter.

MR. GLADSTONE: Sir, in saying what I did upon the subject, I referred to the natural interest which my right hon. Friend behind me, and other hon. Members, no doubt, take in a subject of so much importance. The hon. and gallant Gentleman opposite would scarcely suppose I am to proceed upon the assumption that it is the business of the Cabinet to punish persons who burn Judges in effigy. For such offences I believe the ordinary process of law will be found sufficient.

COLONEL STUART KNOX: Will the right hon. Gentleman direct that process of law to be put into force?

MR. GLADSTONE: I understand that has already been done without any directions being necessary, and that the persons who took the liberty of burning a Judge in effigy have been proceeded against according to law.

TREATY OF WASHINGTON.
TRIBUNAL OF ARBITRATION (GENEVA).
PROCEEDINGS AT GENEVA.

QUESTION.

MR. BOUVERIE: I wish, Sir, to ask my right hon. Friend at the head of the Government, Whether the statement contained in the telegrams from Geneva is correct, that the arguments under the Treaty of Washington have been put in by both Powers before the Court of Arbitration?

LORD EUSTACE CECIL: Before the right hon. Gentleman answers the Question, I may, perhaps, be allowed to ask another, of which I have given him private Notice. I wish to know, Whether, under the circumstances detailed in Mr. Fish's telegram to General Schenck of June 9, and Earl Granville's reply of June 10, the application for an adjournment of the Geneva Arbitration can with propriety be entertained by the Arbitrators without the assent and under protest of the United States Government? I ask this Question because there is a passage in Mr. Fish's telegram which I think is important, and which seems not to be easily reconciled with the statement made by Earl Granville.

Mr. Fish, in his telegram of the 9th of June, says—

"In my despatch of June 2, I said that, in the opinion of this Government, the Arbitrators have the power to adjourn either on their own motion or on that of either party, and that if the arguments be put in on both sides on 15th and Great Britain moves for an adjournment we will assent."

Earl Granville, in his letter to General Schenck next day, says—

"In the meantime, the High Contracting Parties not being in accord as to the subject matter of the reference to arbitration, Her Majesty's Government regret to find themselves unable to deliver the written Argument which their Agent is directed to put in under the Vth Article of the Treaty (although that Argument has been duly prepared, and is in the hands of their Agent), or to take any other step, at the present time, in the intended arbitration."

It being doubtful whether the United States Government, under the circumstances, will or will not assent, I wish to know whether any motions of this kind can with propriety be made?

MR. GLADSTONE: Sir, I will first answer my right hon. Friend behind me (Mr. Bouverie) with reference to the latest information which we have from Geneva. It is not a correct statement which he has referred to in the newspapers of this morning, that the two Summaries of Argument have been lodged before the Arbitrators, so far as the British Summary is concerned. With respect to the Question of the noble Lord (Lord Eustace Cecil), I may say that he is quite right in the reference which he has made to the telegram of Mr. Fish, dated the 9th of June, and also with regard to the reply of Lord Granville of the 10th. That reply does not give textually and verbally the effect of the proceedings at Geneva; but it is perfectly correct with reference to the point to which the noble Lord has referred—namely, the delivery or non-delivery of the written Argument. I have already stated that the written Argument has not been delivered by the British Agent; and I understand the Question of the noble Lord to be this—Whether it would have been possible for us to make a request for an adjournment without the delivery of the written Argument in full view of the declaration of Mr. Fish of the 9th of June, to the effect that the Arbitrators had power to adjourn on their own motion, or on that of either party; and also to the effect that if the Arguments on both sides were

put in by the 15th, and Great Britain should move for an adjournment, then the American Government would assent. Undoubtedly, under that declaration of Mr. Fish we had no power whatever to hold the United States Government bound to assent to the motion for adjournment. But although the declaration of Mr. Fish stated that the United States Government would assent to the motion for an adjournment if the Arguments were put in, it did not state the converse—namely, that if the Arguments were not put in, they would not assent to a motion for adjournment. The application for adjournment was made by the British Government, in conformity with the announcement in the Papers in the hands of hon. Members on Saturday. The proceedings of the Arbitrators are secret, and it would not be consistent with our duty or respect to them to refer to that which they have not disclosed; nor, may I add, would it be consistent with duty, or with that sentiment of gratitude which we are all bound to feel towards Gentlemen who have undertaken labours of so important and delicate a character on behalf of the two countries. I may, however, say that we are given to understand that probably the Arbitrators may again adjourn from their meeting to-day for the period of twenty-four hours.

MR. BOUVERIE: I rise to ask another Question. The right hon. Gentleman having stated—when the Papers were laid before the House—that the Government would be anxious that the opinion of the House should be expressed in a discussion, I wish to know, Whether the Government propose to lay further Papers on the Table, and to ask the judgment of the House on the Papers submitted to it?

MR. GLADSTONE: My right hon. Friend has referred to a declaration which he says I made; but I am not conscious of having made any declaration with reference to the Correspondence. That an opportunity will be given to hon. Members to express any opinion they may entertain is obvious from the presentation of the Papers; but I certainly have not made any such statement on the part of the Government. I do not know that any such statement would be necessary at any time; and, undoubtedly, it would be premature in the present circumstances of the case.

Lord Eustace Cecil

SUPPLY — CIVIL SERVICE ESTIMATES.

SUPPLY—*considered* in Committee.

(In the Committee.)

(1.) Motion made, and Question proposed,

"That a sum, not exceeding £37,255, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1873, for Law Charges, and for the Salaries, Allowances, and Incidental Expenses, including Prosecutions relating to Coin, in the Department of the Solicitor for the Affairs of Her Majesty's Treasury."

THE ATTORNEY GENERAL, in replying to several objections made the other evening against the expense incurred in the Mint prosecutions and against the counsel appointed to prosecute, said, that he must object to the statement made on that occasion, that the men employed were young and inexperienced hands, for, on the contrary, it appeared from a Return which he had had made, that the average standing of the counsel appointed to conduct those prosecutions was over seven years. Out of 60 or 70 members of the Bar appointed there was only one member of less than four years' standing, and in many cases the appointments were given to gentlemen who had been at the Bar 10, 12, or 14 years. According to the statement of the Solicitor to the Treasury, there was now no instance of two counsel being employed except in the case of the County Palatine and the Central Criminal Court. The whole matter had been under the careful consideration of the Government, and his hon. and learned Friend (Mr. Wheelhouse) was perfectly welcome to see the confidential Report of the Solicitor to the Treasury with respect to it. The recommendations in that document were to the effect that, although it would not be right to take away those appointments from the gentlemen by whom they were at present held, no vacancies should be filled up, and that there should be only one counsel employed for the future. In the case of the Post Office, in which hitherto it had been usual to employ two counsel, he (the Attorney General), in conjunction with the Postmaster General, had agreed that there should henceforward, so far as depended on them, be only one counsel, and that no vacancies should be filled up. The hon. and learned Gen-

tleman opposite (Mr. Wheelhouse) had referred to the scale of fees; but it was, he thought, scarcely worth while that the time of the House of Commons should be taken up in discussing so miserable a matter as the difference between two and three guineas given in that way. Seeing that the average cost of the prosecutions for the Mint was only £12 he could not think that the expenditure was excessive. The whole question of Government prosecutions was, of course, a very serious one. It had been the subject of very elaborate Reports, both on the part of the present and former Solicitors to the Treasury, and was under the consideration of the Chancellor of the Exchequer. So far as he could judge from the evidence before him, the appointment of regular counsel and the maintenance of a regular staff in the case of the Post Office and the Mint had resulted in making the prosecutions only slightly more expensive than others; while with respect to the number of convictions the results had been very satisfactory, showing that the cases had been very well got up. That being so, it would, in his opinion, be unwise to get rid of the present system.

Mr. WHEELHOUSE said, he still contended that those appointments were given to gentlemen whose standing at the Bar did not entitle them to be placed over the heads of others. He did not complain that they should be given to men after seven or ten years' standing, but that young men of four years' standing, even though they might have a large Assize or Sessions practice, should have conferred on them, to the exclusion of their seniors at the Bar, the privilege of prosecuting briefs of the Mint and the Post Office. The matter involved one of those small economies which it was just as well to look after, and he could see no reason why three guineas should be paid for services the ordinary charge for which was one guinea. It was said that the Mint and Post Office prosecutions were generally successful; but then, seeing that the depositions were taken in the first instance, and then sent up to town, and that they were only proceeded upon when there was a strong case, it was scarcely to be wondered at that the percentage of convictions was large; in all other cases the prosecutions were abandoned. These matters might be miser-

able; but hon. Members who had been returned to look after the interests of their constituents ought to be careful not to pay too much regard to the adage—*"De minimis non curat lex."*

MR. SCLATER-BOOTH said, that if for nothing else, he thought it must be quite clear that the Committee was greatly indebted to the hon. Gentleman who first brought this subject forward for extracting the declaration from the Attorney General, that the Government had the subject under their consideration.

MR. WHARTON expressed a hope that these prosecutions would continue to be conducted by the same able gentlemen who had been in the habit hitherto of conducting them, and that proper fees would be paid for the transaction of the business.

MR. WEST said, he was of opinion that the conduct of these prosecutions ought not to be in the hands of the Government, but that they ought rather to fall into the common routine of ordinary prosecutions. The expenses in connection with these prosecutions were very great, and it was for the Government to show that they were more efficiently conducted than other prosecutions throughout the country. He should therefore move to reduce the Vote by the sum of £2,500, the expenses connected with the prosecutions relating to coin.

Motion made, and Question proposed,

"That a sum, not exceeding £34,755, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1873, for Law Charges, and for the Salaries, Allowances, and Incidental Expenses, including Prosecutions relating to Coin, in the Department of the Solicitor for the Affairs of Her Majesty's Treasury."—(*Mr. West.*)

THE ATTORNEY GENERAL said, that the greater expense of the Mint prosecutions was caused by the fact that they were efficiently conducted, and it was important in the interests of the poorer classes that the Government should have the charge of prosecutions instituted for the purpose of keeping the coin of the Realm pure. His hon. and learned Friend (Mr. Wheelhouse) spoke of a number of cases which were not prosecuted at all. Well, no doubt in those cases, according to the opinion of his hon. and learned Friend, the Solicitor to the Treasury had exercised a very wise discretion.

Mr. Wheelhouse

MR. WEST, on the contrary, said, he thought the learned Gentleman had exercised a very unwise discretion in overruling the decisions of the magistrates.

THE ATTORNEY GENERAL said, he must submit that if those cases had been in the hands of private individuals, the public would have had to pay the expense of prosecuting them in addition to those already charged.

Question put, and *negatived.*

Original Question put, and *agreed to.*

(2.) £150,623, to complete the sum for Criminal Prosecutions, &c.

MR. PERCY WYNNDHAM said, he had to complain of the capricious manner in which the expenses of prosecutions that had been allowed by the magistrate were cut down by the Treasury, and to express a hope that, unless legislation took place that Session on the whole subject, some clear explanation would be issued, for the guidance of the magistrates, of the principles on which the Treasury acted in the matter. The subject of complaint was the more remarkable, and the more to be regretted, as a scale of fees had been agreed upon by the magistrates, and was understood to have received the assent of the Secretary of State. In reference to that, the magistrates did not dispute the right of the Treasury to revise the fees and costs of prosecutions; deductions, however, should not be made haphazard, but on some understood principle. He knew of an instance in which the whole cost of prosecution had been disallowed, and on the ground that the name of the prisoner was not in the calendar, the reason being that he had been on bail. That was an illustration of the insufficient knowledge that was but too frequently to be observed in the officers of the Treasury, whose duty it was to certify the costs of prosecutions.

COLONEL WILSON-PATTEN, in confirmation of the remarks of his hon. Friend, said, that the greatest inconvenience was occasioned to the magistrates in the county he represented (Lancashire) by the system of deductions made by the Treasury, so much so that they had been driven to the necessity of communicating with the Treasury on the subject.

MR. BAXTER said, it was admitted on all hands that the present practice with regard to the costs of criminal pro-

secutions was not only not satisfactory, but had been very generally distasteful all over the country. On Wednesday next the Home Secretary would lay before the House the views of the Government on the subject in the shape of Amendments to the Public Prosecutors Bill; but the Government would not pledge themselves to make any alteration before that discussion decided the fate of the Bill.

MR. HUNT said, he thought that the Government were adopting a somewhat unusual course in tacking Amendments on to a Bill that was in the hands of a private Member, who might, if he chose, decline at any moment to proceed with it. It rested with them to say whether that Bill should proceed or not. The Government ought to take charge of the Bill and be responsible for its conduct. At present the right hon. Gentleman merely proposed Amendments to the Bill, which met with considerable opposition in the House.

MR. BRUCE said, that the Amendments proposed by the Government had been put down on the Paper after full communication with the right hon. Gentleman who had charge of the Bill; and he believed that, on the whole, they met with his approbation, and that they would remove many of the objections to the Bill, especially with regard to the amount and uncertainty of charges. There was reasonable ground for hoping, therefore, that the Bill would pass through Committee on Wednesday.

MR. WHARTON said, he would suggest that the Vote should be postponed till the Public Prosecutors Bill came before the House, because that measure might be the means of introducing many material Amendments.

MR. BAXTER explained that if any such Amendments were made the money asked for would not be expended.

Vote agreed to.

(3.) Motion made, and Question proposed,

"That a sum, not exceeding £131,799, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1873, for such of the Salaries and Expenses of the Court of Chancery in England as are not charged on the Consolidated Fund."

MR. WEST said, he was of opinion that the number as well as the salaries

of the officers attendant upon the Lord Chancellor should be reduced. The Lord Chancellor's first secretary received £1,200 per annum, his second secretary £400 per annum, his third secretary £400 per annum, his gentleman of the Chamber £500 per annum, and his purse-bearer £500 per annum. He thought that these officers were unnecessarily numerous, that their salaries were by far too large, and though not familiar with the mysteries of the office, he thought that the Lord Chancellor's secretary should be content with the same amount as that given to the secretary of the Prime Minister, and the more so, seeing that he and his colleagues were constantly being promoted to high and lucrative offices in the State. The Lords Justices' clerk had only £500 a-year, the Premier's two secretaries £600 between them; and the Speaker's £500 a-year. As to the embroideress, the sum was paltry; but if they got rid of her they might get rid of the pursebearer too, although the latter deserved a salary if it were really earned, and if there were any work for him to do. Another curious item in the Estimates, which was increasing year by year, was the travelling expenses of the Masters in Lunacy. They were gentlemen advanced in years, who were much respected, and to ask them to spend £1,200 a-year in travelling was simply inhuman. This was, in any view, a large sum, and ought to be reduced. He would accordingly move the reduction of the Vote by £3,470—namely, £2,400 on the salaries of the Lord Chancellor's officers, £1,000 on the travelling expenses of the Masters in Lunacy, and £70 for the Lord Chancellor's purse.

Motion made, and Question proposed,

"That a sum, not exceeding £128,329, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1873, for such of the Salaries and Expenses of the Court of Chancery in England as are not charged on the Consolidated Fund."—(Mr. West.)

MR. BAXTER said, he must confess that, without some explanation, the Committee might fairly demur to passing the Vote. As for the Lord Chancellor's secretary, it must be admitted that important duties devolved upon him, as intimately associated with the highest legal, judicial, and political position. All these salaries had been taken over

by Act of Parliament some years ago, when they were transferred from the Suitor's Court, with the distinct understanding that the gentlemen then holding the offices should hold them for life. It was a principle on which that House was very slow to act to reduce salaries when they were transferred from one fund to another. Power had been taken by section 14 that when certain vacancies occurred the Treasury was to determine whether they should be filled up or whether the salaries were to be continued at their old figure, and that power would be exercised at the earliest possible opportunity. The same thing held good with respect to the travelling expenses of the Masters in Lunacy. As to the embroideress of the Lord Chancellor's purse, Lord Hatherley, on being communicated with some time ago, replied that the purse, being exhibited on State occasions and on the Woolsack at the sittings of the House of Lords, it was necessary that it should have a respectable appearance, adding that the lady employed was upwards of 70 years of age, and that she had received £64 7s. for the work. The Treasury thereupon expressed a desire to be consulted, on her death, before any new arrangement was made.

MR. HUNT said, with reference to the recommendation of the Public Accounts Committee last year, that the Treasury should obtain the control of the salaries in the Court of Chancery, he had expected from the Chancellor of the Exchequer's statement that the Lord Chancellor, whose consent was necessary, would be likely to co-operate, and that action would be taken to carry out the recommendation. At the beginning of this Session, however, the right hon. Gentleman, when questioned by him (Mr. Hunt), spoke of difficulties which would prevent anything being done at present. Now, difficulties were sure to be raised to the transfer of control from lawyers to the Treasury; and, presuming that they consisted in obtaining the consent of the Chancellor of the Exchequer's Colleagues, he would advise Parliament next year, unless the Government initiated legislation in the matter, to make a considerable reduction in the Vote, so as to bring those gentlemen to their senses.

MR. BAXTER said, in reply to the hon. Gentleman, that his right hon. Friend the Chancellor of the Exchequer

Mr. Baxter

had not lost sight of the recommendations of the Select Committee, for the legal officials of the Treasury had been deputed by his right hon. Friend to make a thorough inquiry, and in a few days their Report would be presented, when it would be the duty of the Government to deal with the matter. It was not intended that things should remain as at present.

MR. ALDERMAN LUSK thanked the hon. and learned Gentleman (Mr. West) for breaking fresh ground in the interests of economy, for he (Mr. Lusk) was satisfied that the money paid for law charges was too much. The embroidery of the purse showed how even in small matters things went. He wished to understand the nature of the Petty Bag Office, and he felt convinced that the Masters in Lunacy did not require travelling expenses to the extent of £1,200 a-year each.

MR. HERMON said, he hoped there would not, as last year, be a Supplementary Vote of £14,000 on this head. He was glad to find that the 316 persons included in the Vote had mostly reached their maximum salaries, so that the increase could not exceed £5,074 per annum.

MR. BAXTER explained that the Supplementary Vote of 1871 had been rendered necessary by the changes effected in the dates of payment.

MR. HINDE PALMER said, he did not think the officers of the Court of Chancery generally were too highly paid. The registrars had most important duties to perform, and the principal secretary to the Lord Chancellor had no sinecure; but he would admit that some of the other salaries of the secretaries might be reduced. With respect to Masters in Lunacy, he supposed that the charges for their travelling expenses were not made when they were not incurred, and that the charge was not allowed without the production of proper vouchers.

MR. SCLATER-BOOTH said, he should like to know whether the charge for travelling expenses would be made the subject of inquiry? He did not think it would be fair to sweep away all these offices of ancient date at once.

THE CHANCELLOR OF THE EXCHEQUER said, he thought the 19th section of the Act made it imperative on the House not to alter these salaries and expenses. But the Government were so much struck with the enormity of these

charges that they were now conducting a correspondence on the subject with a view to their reduction.

MR. DICKINSON said, whatever might be the fact, he did not think that any Act of Parliament justified an addition to the salaries of the Masters in Lunacy. He, therefore, thought the best course would be to strike off a lump sum from the Estimate until the Government could see their way to some reductions.

MR. WEST said, the Secretary of the Treasury was under a misapprehension in supposing that the Committee could not reduce the salary of the secretary to the Lord Chancellor because three years ago that salary was guaranteed to the secretary. The fact was, that the secretary of the Lord Chancellor had been changed many times, and was removable any day. He quite agreed with what had been said with reference to officers for life, and would not press that matter further. In fact, he had limited his proposition to a reduction of the salaries of the officers of the Lord Chancellor. The answer given about the Masters in Lunacy was unsatisfactory. Their scale of charges was probably the same as at the time when a Master in Lunacy travelled with four post horses from London to Carlisle, and returned to London with four post horses; and, surely, the amount charged then was far in excess of their actual travelling expenses now.

MR. RYLANDS said, he wished to know whether the hon. Member intended to take a division on any particular items, or whether it would not be desirable to propose the reduction of a moderate lump sum. He should like to know what the Treasury were disposed to do in that case? Many of the offices which had been referred to were sinecure offices. If they were life appointments they could not be got rid of without compensation on their abolition. If the holders were entitled to their full salary it would be better to let these officials disappear from the Votes, even if they should appear on the pension list.

MR. KINNAIRD said, he thought the charge for the Lord Chancellor's private secretaries was excessive, and hoped his hon. and learned Friend would follow the advice given by the right hon. Gentleman (Mr. Hunt), and take the division on the Vote to cut off a lump sum.

MR. DILLWYN said, he should vote with his hon. and learned Friend whether the division was taken on a lump sum, or on some special item. There were 316 officials employed in the Court of Chancery, and though he knew nothing about the requirements of the Court, he could not for a moment suppose that such an army of retainers would be necessary.

THE SOLICITOR GENERAL said, he had listened with some surprise to the hon. Gentleman who had just spoken, who admitted that he knew nothing whatever about the matter, and yet assumed that the 316 officials who were employed could not be wanted. The hon. Member had not the least idea of the nature of the duties they were called upon to perform, and seemed to consider the number employed a sufficient ground for reducing their salaries by a lump sum, but he altogether differed with the hon. Gentleman in that view of the matter. It was said, first, that the Lord Chancellor's secretary held a sinecure; and, secondly, that he was overpaid. But the Committee did not want "the secondly" if the first were true, because any man would be overpaid by receiving any salary for a sinecure office. The fact was, however, the office was no sinecure, and the holder had very important duties to perform. The salary paid to the private secretary of the Prime Minister had been compared with that of the secretary to the Lord Chancellor. But that was a mistake, for the private secretary to the Prime Minister, in addition to that office, held a very important office in the Treasury, and also an office at Court, the duties of both of which he was bound to discharge, and for all of which he was paid. Therefore, if the Committee wanted to know what the country paid to the private secretary of the Prime Minister, they must add up all the sums which that gentleman received, and not take simply his salary of £300 a-year as private secretary. Gentlemen in the House of Commons considered £1,200 a-year for the salary of the Lord Chancellor's secretary as something very extravagant; but the Lord Chancellor could not be a bad judge of the amount required to secure a fit man for the office. A gentleman from the Bar was taken for the office, who was expected to be so highly qualified that it was usual, after a cer-

tain period of service, to appoint him to a judicial position, and he had to assist the Lord Chancellor in judicial and quasi-judicial matters. He did not think the salary in any degree too large, or that a competent man could be obtained for a less sum.

MR. WEST said, he would endeavour to meet the wishes of the Committee by taking the Vote on a lump sum. He therefore would move to reduce the Vote by £2,000.

Motion, by leave, *withdrawn*.

Original Question again proposed.

Motion made, and Question proposed,

"That a sum, not exceeding £129,799, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1873, for such of the Salaries and Expenses of the Court of Chancery in England as are not charged on the Consolidated Fund."—(*Mr. West*.)

COLONEL WILSON PATTEN said, that the suggestion made by his right hon. Friend (Mr. Hunt) had been misunderstood. What his right hon. Friend had suggested was, that if the Government would undertake to legislate on the whole subject at an early date under the cognizance of the Treasury, it would be better not to divide now. He understood that the Chancellor of the Exchequer was prepared to give a pledge to that effect; and therefore, although he thought that some alteration should be effected in the Vote, yet as it might cause hardship to some innocent persons, he should not be disposed to vote for the Amendment.

MR. TREVELYAN said, that although he agreed to a certain extent with some of the remarks of the right hon. Gentleman who had just spoken, he yet thought it essential to go to a division. The Vote for the Court of Chancery was the scandal of the Estimates, and it was a scandal which ought to be abated.

THE CHANCELLOR OF THE EXCHEQUER said, the case had been put a little too widely, and he must remind the Committee that, with regard to a great many of the salaries in the Court of Chancery, the faith of Parliament was pledged. The whole Vote was not, therefore, available for reduction, and the Committee must judge for itself what salaries were open to its jurisdic-

The Solicitor General

tion. As far as the Treasury were concerned, he should be happy to give a pledge; but many of the judicial salaries were by statute in the patronage of the Judges, who had the power of resisting effectually any reduction suggested by the Treasury. Therefore, the mere interference of the Treasury would not effect what was desired, and the Committee must consider what effect might be produced on the minds of the Judges by any vote which it might give. If he led the Committee to suppose that the Treasury could reduce those salaries, he should be simply misleading them.

MR. MUNTZ said, the observations of the right hon. Gentleman the Chancellor of the Exchequer had quite convinced him of the necessity of dividing, because it was evident that the Government were not in a position to pledge themselves on the subject.

MR. HUNT said, an inquiry had taken place into the subject of the salaries of the Court of Chancery, and that inquiry would result in a Report. Would the right hon. Gentleman, when that Report was completed, undertake to lay it upon the Table of the House? If so, the House would be in possession of all the information which was at the disposal of the Treasury; and then the House would be very likely to give an expression of opinion which would greatly strengthen the hands of the Treasury.

THE CHANCELLOR OF THE EXCHEQUER said, that as he had not seen the Report, he could make no promise on the subject.

Question put.

The Committee *divided*:—Ayes 62; Noes 89: Majority 27.

Original Question put, and *agreed to*.

(4.) £46,616, to complete the sum for the Common Law Courts.

(5.) £29,318, to complete the sum for the Court of Bankruptcy.

(6.) Motion made, and Question proposed,

"That a sum, not exceeding £324,954, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1873, for the Salaries and Expenses of the County Courts."

MR. WEST, in moving the reduction of the Vote by the sum of £9,160, on

account of the travelling expenses of the County Court Judges, said, the Government had promised three years ago to look into the subject; but he found that, notwithstanding that promise, the item for these expenses had been increased. The gentlemen who filled the office of County Court Judges were gentlemen of the highest position, receiving £1,500 and £1,800 a-year each, and the amount they received for travelling expenses raised their salaries on an average by more than £200 a-year. On the Whitehaven Circuit, for instance, the Judge, who only sat for 128 days in the year, received £450 a-year for travelling expenses; and on the Salford Circuit the Judge, who had only to go to Bacup, Oldham, Rochdale, and Saddleworth—and only to those places on 45 days in the year—received £500 for travelling expenses, or over £10 a-day; while, as a matter of fact, a first-class return ticket from Salford to Oldham could be purchased for 1s. 6d. Then, again, on the Liverpool Circuit there were two Judges, and they had only to go to Ormskirk and St. Helen's, neither of which places was more than a 25 minutes' railway journey from Liverpool. To those towns they went on 44 days in the year, and yet one of the Judges for his half share of the work received £220 for his 22 days' travelling. Another gentleman sat 79 days; he had not a yard to travel, and yet he was paid £150 for travelling expenses, and that was a recent appointment; whilst the gentleman who had to travel from Brompton to Brentford 15 times only received £50. Another gentleman, who had to make 16 journeys, received from £50 to £60 for travelling expenses. His proposition was to equalize these charges. He would give those who travelled £100 a-year each extra, and those who did not travel would be paid no travelling expenses; and he should, therefore, take the sense of the Committee upon the subject.

Motion made, and Question proposed,

"That a sum, not exceeding £315,784, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1873, for the Salaries and Expenses of the County Courts."—(Mr. West.)

MR. JAMES said, he was unable to appreciate the self-sacrificing spirit of the hon. and learned Gentleman who

had brought the subject forward, seeing that he had received so many distinguished marks of favour, that he should now turn his hand against his brethren. He had no doubt it must have grieved the hon. and learned Member for Ipswich to make the Motion, especially as he had told them that he was living on terms of friendship with many of these learned Judges; but it would have been much better if his hon. and learned Friend had made some personal inquiry of those gentlemen before taking taking them *en bloc*, for the way in which he had treated those gentlemen was scarcely the way one would have thought he would have treated his official brethren. It showed that he probably wished to chasten those he loved, and punish them for their unanimity of feeling with himself. A greater injustice than that the Judges who travelled should all be paid an equal sum could scarcely be conceived. Mr. Ingham, on the Whitehaven Circuit, was paid £450 travelling expenses; he attended 15 Courts, travelled 5,000 miles a-year, and he was occupied 128 days; and yet his hon. and learned Friend proposed that he should have no more allowed than the gentleman who travelled from Brompton to Brentford 15 times a-year. The same objections applied to Liverpool, Manchester, and other places where the Judges did not reside on their circuits. He would contend it was to the advantage of a County Court Circuit that the Judge should not reside on it, because he went to discharge his duties without any political or private bias, or from any particular acquaintances or friendship with those who practised before him. It was, moreover, a most inequitable proposition to put these gentlemen on the footing proposed; for every day heavier and more important duties were being put upon these gentlemen, and it would be false economy to cut down their remuneration. Without they were treated liberally men of ability would not undertake the discharge of the duties.

MR. NEVILLE-GRENVILLE said, that whatever argument might be drawn from the insufficiency of the pay of the County Court Judges, all that the hon. and learned Member for Ipswich complained of was that travelling expenses were allowed where they were not incurred. He (Mr. Neville-Grenville) therefore

trusted that the Committee would not allow their attention to be withdrawn from the real proposal before them, but would make progress when they had the opportunity in the way of a reduction of expenditure.

MR. BAXTER said, it would be quite out of place for him to enter upon the general question at the present time, seeing that the Vote, as a whole, would have to be reconsidered when the Commission appointed to inquire into matters of this kind made its Report. He thought it would be improper to make a fixed allowance to Judges for their travelling expenses; because if such a course were adopted, some Judges whose travelling expenses were very small would be large gainers by the transaction; whereas others whose circuits were very extensive would be equally large losers. The Committee, moreover, must bear in mind that in that sum was included subsistence allowance when the Judge was away on circuit from his home. Since the pledge given in 1870 there had been a careful investigation into every new case that had come before the Treasury, and the question of travelling expenses had been carefully looked into and placed on a more equitable basis. He found that the arrangement for the travelling expenses in Cumberland was made in 1858, for Liverpool in 1862; and at Manchester the amount was fixed in 1869, and the Government had not gone back and altered what was done so many years ago. In the case of the County Court Judge of Salford, which was the only one of those referred to by the hon. and learned Member for Ipswich, for which the present Government were responsible, the travelling expenses had been reduced from £500 to £100, a sum that could scarcely be regarded as excessive.

MR. SCLATER-BOTH said, he must repeat the question he had put to the Government during the discussion upon the last two Votes—namely, whether Her Majesty's Government considered that County Court Judges had a vested interest in the sum annually allowed them for travelling expenses, or whether those expenses were liable to revision during the time those offices were held by the present Judges?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, that Her Majesty's Government did not pretend for

Mr. Neville-Grenville

one moment to countenance the assumption that County Court Judges had any vested interest in their travelling expenses; but, at the same time, he could not approve the proposal for giving Judges a fixed sum all round for travelling expenses. All that the Judges and the public had to do in the matter of travelling expenses and maintenance was, that the Judges should be fairly indemnified in those respects.

MR. R. SHAW, in expressing his objection to the proposal of the hon. and learned Member for Ipswich, said, that he was informed by Mr. Ingham, the Judge of the Whitehaven County Court, that he had to travel 5,000 miles annually on his circuit, and that every 6d. of the £450 allowed him for his travelling expenses was actually expended for that purpose. The 15s. a-day allowed Judges for hotel expenses obviously did not cover what they had to pay.

MR. WEST said, he was quite satisfied with the result of the discussion and the declaration of the Chancellor of the Exchequer. He had been quite prepared for the personal attacks made upon him, and should persist in his attempt to cut down legal expenses, none of his figures having been controverted. He wished to withdraw the Amendment.

MR. ALDERMAN LUSK said, it had been shown that sums of £3 and even £10 a-day had been made for these travelling expenses. These charges ought to be exposed, and he therefore thanked the hon. and learned Member on having preferred the interests of the public to those of his own profession. He was prepared to contend that if each County Court Judge received £100 a-year for travelling expenses, that would be ample remuneration.

MR. MITCHELL HENRY called attention to the late hour sittings of County Court Judges and Recorders, which he hoped the Lord Chancellor would put a check to. He thought they ought to be restricted from sitting later than 8 o'clock in the evening.

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

(7.) £68,460, to complete the sum for the Probate and Divorce and Matrimonial Courts.

(8.) £9,938, to complete the sum for the Admiralty Court of Registry.

(9.) £3,830, to complete the sum for the Land Registry.

MR. BOWRING called attention to the fact that, whilst the salaries and expenses of this office—which more than any other ought to be self-supporting—amounted to £5,330, its receipts were only £650, and he saw little prospect of any change in this respect. He would ask the Solicitor General if he could hold out any hope of an improvement in the case of this office, from which so much was at one time expected?

THE SOLICITOR GENERAL said, he was sorry to state that the office had proved a very great failure, and that the salaries were paid for next to nothing; but it would be impossible to abolish the office without giving compensation to the officers to an extent which would be little less than their salaries; and it was hoped that within another year there would be established an effective Land Registry Office, in which their services would become valuable to the public.

Vote agreed to.

(10.) £10,117, to complete the sum for the Police Courts (London and Sheerness).

MR. WHEELHOUSE expressed a hope that something would be done to make these Courts convenient to the suitors. At present their state was disgraceful.

MR. BAXTER said, he would make known in the proper quarter the representation of the hon. and learned Gentleman.

Vote agreed to.

(11.) £168,234, to complete the sum for the Metropolitan Police.

MR. BOWRING said, he must call the attention of the Home Secretary to the strain which was put on the Registrar of Habitual Criminals. That gentleman, he said, was extremely overworked. He had never had more than one or two days' vacation in a year, and he was now very ill through overwork; and, moreover, he thought the time had come when he might be made a permanent servant of the Crown, instead of being temporary, as at present.

MR. ALDERMAN LUSK said, he wished the Home Secretary would state how the superannuation fund of the metropolitan police was managed. When would the measure which had been promised on the subject be introduced?

They were a class of public servants which should not be forgotten.

MR. WHEELHOUSE said, he thought it was desirable that the City police and the metropolitan police should receive the same pay; because in consequence of the difference between the pay of the City police and that of the metropolitan police the men were constantly moving from one force to the other.

MR. BRUCE said, the Habitual Criminals Registry was established only two years ago as an experiment, and had proved exceedingly useful, and he thought that it would every year become more and more useful. While it was merely an experiment it would not have been judicious to appoint a permanent officer; but he would see whether a more permanent character could now be given to the department. He could bear testimony to the excellent manner in which the Registrar had performed his duties, and was exceedingly sorry to hear that his health had suffered so much from his assiduity; and he would see whether something could not be done to lessen the pressure of the duties. As to the superannuation fund of the metropolitan police, it was in a much more satisfactory condition than that of the City police. He fully admitted the necessity of dealing with the question of superannuation by a Bill; but his hon. Friend (Mr. Alderman Lusk) must admit that the Government had introduced a sufficient number of measures. As to the suggestion of the hon. and learned Member opposite (Mr. Wheelhouse), he believed the metropolitan police was never more popular than now, if he might judge from the small number of resignations and the large number of applications for admission into that force. He presumed that the difference between the two forces was this—The City was very full in the daytime, but at night it was very much deserted; enormous treasures were collected there, and the portion of the municipal police who were engaged during a part of the night as watchmen was larger than that portion of the metropolitan force who were engaged in similar work. He had nothing to do with the management of the City police; it now worked in perfect harmony with the metropolitan police, and he did not think it was his duty to take any steps towards equalizing the rate of payment of the two forces.

Mr. RYLANDS said, he hoped he was not right in thinking that his right hon. Friend had said it was his intention to place the police of the counties and boroughs generally on the same footing with regard to superannuation as the metropolitan police.

Mr. BRUCE explained that what he had said was—"on a more satisfactory footing than they were at present."

Vote agreed to.

(12.) £289,500, to complete the sum for the County and Borough Police (Great Britain).

Mr. NEVILLE-GRENVILLE said, he wished to express his satisfaction that there had been some decrease in this Vote, especially in the victualling department, for there was a strong opinion out-of-doors that the diet of convict prisoners was very much better than it ought to be—better than that of the poor or lunatics, for example.

Mr. BRUCE said, that Colonel Henderson, when at the head of the convict establishments, effected a reduction of £30,000 a-year, and Captain Du Cane also had greatly reduced the expenses. But it should be remembered that our three chief convict establishments—Chatham, Portsmouth, and Portland—more than paid their own expenses through the labour exacted from the men. It would be impossible, however, for men to work unless they were treated tolerably well.

Vote agreed to.

(13.) £336,895, to complete the sum for the Convict Establishments (England and Colonies).

(14.) £252,220, to complete the sum for the County and Borough Prisons, &c.

(15.) Motion made, and Question proposed,

"That a sum, not exceeding £22,045, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1873, for the Maintenance of Criminal Lunatics in the Broadmoor Criminal Lunatic Asylum, England."

Mr. MITCHELL HENRY, in moving to reduce the Vote by £15,545, said, that the expenditure at the Broadmoor establishment was absolutely excessive, and when compared with that at other similar asylums was positively enormous. Till 1849 criminal lunatics were either sent to prison or to county asylums.

In that year the Irish Government agreed to the establishment of a separate asylum to which persons acquitted of crime on the ground of insanity might be sent. That was the origin of Dundrum Asylum, which had been conducted with the greatest benefit to the country and also with the utmost economy. The whole Vote for it was only £5,573; whereas that for Broadmoor, including repairs, amounted to £32,000. The latter contained 471 patients, at an average cost of £60 each; whereas Dundrum, with 167 patients, figured for only £33 each. In the former the charge for diet was £16 5s. per head; in the latter it was only £13 6s. Broadmoor had 125 male and female attendants, or one to every 3½ lunatics, Dundrum having only 22 attendants, or one to every 7½. The Superintendents of these two asylums were paid respectively £900 and £400 a-year each. The chaplain at Broadmoor had £400, and £18 18s. for a substitute when he took a holiday, and there was a Roman Catholic chaplain, who received £50; whereas only £100 was allowed for the religious services at Dundrum—a Protestant chaplain at £40, and a Roman Catholic one at £60. There was a steward at Broadmoor with £290, while a similar officer at Dundrum had only £45, and the chief attendants at each received £150 and £40 respectively. At the larger establishment there were four clerks, with salaries amounting to £565; at the smaller there was only one, with a salary of £80. The fact was, that the attendants at Dundrum were disgracefully underpaid. The Report of the Commissioners of Lunacy of October, 1868, clearly showed that Broadmoor was not successful while Dundrum was. The Commissioners pointed out that at the former place there were not those amusements which were suitable to the condition of the patients, and that some were isolated in separate cells for many months together. The Report, in fact, showed that the large expenditure in Broadmoor was one of which the country had no reason to be proud. On the contrary, the asylum at Dundrum was shown to be efficient beyond all precedent in the history of lunatic asylums. Broadmoor, he might add, would never be efficiently conducted so long as it was under its present management—that of the Directors of Convict Prisons. It

ought to be placed under the Lunacy Commissioners, who would visit it unexpectedly and frequently in the year, instead of only once, and whose recommendations should have some authority with the Secretary of State. In England criminal lunatics were treated as prisoners; whereas in Ireland they were treated as patients, and the result was in the latter case efficiency, and in the former the reverse. A considerable improvement, it was but fair to add, had of late, he believed, been made at Broadmoor; but in the last Report of the Commissioners they stated that, although the mortality there was small, the health of the establishment was not satisfactory, chiefly because fever, which had existed there for some years, continued to prevail. He would impress upon the Committee that, if these insane persons were treated as criminals, their affliction would be greatly aggravated. At Broadmoor some of the patients were, until quite recently, kept almost like wild animals, while at Dundrum every endeavour was made to soothe their temper. He was aware that some years ago the Superintendent of Broadmoor Asylum received a fatal injury; but that was an accident to which all persons attending upon the insane were liable. He moved to reduce the Vote for the Lunatic Asylum at Broadmoor by £15,545—namely, from £29,545 to £14,000, being an amount calculated on the same scale as Dundrum.

Motion made, and Question proposed,

"That a sum, not exceeding £6,500, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1873, for the Maintenance of Criminal Lunatics in the Broadmoor Criminal Lunatic Asylum, England."—(*Mr. Mitchell Henry.*)

MR. BRUCE said, he was glad that the hon. Member had brought this subject forward that night, because when the same statements were made some six weeks ago, without Notice, he was not then prepared to answer them. He would now, as shortly as possible, traverse every statement made by the hon. Gentleman, with the exception of one. He would not deny that the expense at Broadmoor, taken all in all, was greater than at Dundrum; but he broadly denied that the difference was anything like that stated by the hon. Gentleman, and he also specially denied that the

patients at Broadmoor were treated as criminals. The Broadmoor Asylum was constructed in 1860 under the superintendence of Sir Joshua Jebb, and it certainly was not a fortunate construction, for it had ever since been a source of considerable expense, and was only now brought into a good condition. The hon. Gentleman said that the asylum was under the management of the Directors of Convict Prisons, and that the inmates were treated as criminals. The fact was that a special Act of Parliament was passed, placing the asylum under the supervision of persons chosen by the Government. The most active of these managers were Sir William Hayter, who lived close by; Lord Hylton, formerly a distinguished Member of that House; and he might add that he had had the satisfaction of appointing his hon. Friend the Member for Berkshire (Mr. Walter) to take part in the conduct of the asylum. Under these circumstances, it could not be credited that the management would be so bad and vile as had just been described to the House. The hon. Gentleman had taken the amount of the Estimate for the present year, and divided it not by the number of persons proposed to be admitted in this year, but by the average number for the last 10 years; for the fact was that the hon. Member stated that Broadmoor Asylum contained 471 patients, and Dundrum 167, and that the cost of the former was £29,545, and of the latter £5,547; whereas the number of patients which it was proposed to receive at Broadmoor during the present year was 563, and at Dundrum 180. Again, in the expense for Broadmoor was included cost for rent, taxes, fuel, light, and furniture, amounting to £1,089, together with the proportionate cost of controlling the expenditure borne by the Office of Works, giving a further sum of £199 15s. 9d. If similar items for the Dundrum Asylum were taken into the account, the cost of that asylum would be £7,141 15s. 6d., and that made a considerable difference in the comparative cost of maintaining the inmates. The difference of the annual cost of maintaining a lunatic at Broadmoor and at Dundrum would, therefore, be not £27, but £14 16s. The Treasury allowance for the maintenance of a Broadmoor patient was £20 a-year, and for a Dundrum patient £13 6s.; but to the latter must be added the produce of

the farm and garden, amounting to £2 9s. The contract price of meat also was less at Dundrum than at Broadmoor. The hon. Gentleman had contrasted the salaries at the two places; but in fixing the salaries the Government had to look at the professional remuneration prevailing at those places. As to the chaplain at Broadmoor, the hon. Gentleman forgot that the chaplain lived entirely among the patients; whereas the chaplain at Dundrum lived at Dublin, or wherever he liked, giving only occasional attendance at Dundrum. Whereas the offices of steward and matron at Broadmoor cost respectively £290 and £175, the same offices only cost £110 and £90 at Dundrum. Then as to the wages of the warders. He found that the wages of those persons had been reduced to the lowest rate for which the services of competent men could be obtained. The hon. Member had brought a charge against the management of Broadmoor that, in spite of a very high rate of payment, they were unable to keep their attendants for any long time. It must be borne in mind with regard to that, that while the Report on Dundrum was drawn up by the Inspectors of Lunatic Asylums in Ireland, under whose management that prison was, the Report on Broadmoor was made by the Commissioners of Lunacy, who had no official connection with that prison, and who, therefore, had no motive for extenuating any imperfections that might exist; and, under these circumstances, it was not surprising that there should be more criticism in the one case than in the other. In spite, however, of this fact, the Inspectors of Lunatic Asylums in Ireland had attributed the constant change of attendance at Dundrum to the low rate at which the warders at that prison were paid. The truth was, that the picture of the state of affairs at Broadmoor was almost too favourable, and he left it to the hon. Member for Berkshire to verify the vivacity and expression in which the Commissioners of Lunacy had indulged with reference to it. The hon. Gentleman had argued that because the class of persons confined in both these asylums were criminal lunatics, therefore their treatment must be the same in both instances, and that the same difficulties of management must be met with equally in both asylums. There were, however, many important dif-

Mr. Bruce

ferences that distinguished the two cases. In the first place, Broadmoor, large as it was, was unable to receive all our criminal lunatics, a large proportion of whom were, therefore, confined in the county lunatic asylums, the worst cases only being sent to Broadmoor. It was a singular circumstance, and it had been commented on in the last Report of the Lunacy Commissioners, that the most dangerous class of lunatics were not those who were acquitted on the ground of insanity, but those who became insane after they were convicted, and it was principally these latter who were sent to Broadmoor. Thirty or forty of such lunatics had been sent to Broadmoor in the course of last year, while not one single such case had been sent to Dundrum last year, and only one in the year before last. There was thus at Broadmoor a class of lunatics incomparably more dangerous than those at Dundrum, and consequently it was necessary to employ a much greater proportionate number of warders for their care. The larger number of warders at Broadmoor was also partly attributable to the original defects in the building, which rendered it necessary that the number of attendants should be larger than usual. The hon. Member had stated the other day that the health of the criminal lunatics at Broadmoor was wholly unsatisfactory—as bad as it well could be; owing to deficient drainage and the general defective construction of the asylum, the mortality was greater than that in any similar institution in Great Britain. But he (Mr. Bruce) was fortunately in a position to show from statistics he held in his hand that the death-rate at that lunatic asylum was far below the average of such institutions. He begged to call the hon. Member's particular attention to the following figures:—

"The number of deaths to 100 of the daily average numbers resident in each year from 1864 to 1869 inclusive, was in county and borough asylums, 10·85; in registered hospitals, 7·63; in metropolitan licensed houses, 10·07; in provincial licensed houses, 8·27; in naval and military hospitals, 11·02; and in the Criminal Asylum, Broadmoor, 2·96."

Those figures were taken from the Lunacy Commissioners' Report of 1870, and they proved that Broadmoor was far more healthy than Dundrum, where, according to the hon. Member's own statement, the mortality was 3½ per cent per annum. Had the hon. Member ever been to

Broadmoor? It was situate on the summit of a hill of loose sand; it was about the most healthy spot in England, and the only subject for astonishment was why anybody should ever die there at all. The hon. Member said that the Lunacy Commissioners' Report found fault with the treatment of the criminal lunatics confined at Broadmoor. He entirely denied that the language of the Commissioners was such as to allow of such an inference being drawn. Their remark applied merely to a particular class of criminal lunatics; and even on that point their views were completely opposed to those of Dr. Meyer, who lost his life in consequence of injuries inflicted upon him by a lunatic, and who was celebrated for his knowledge and skill in the treatment of lunatics. It was not for him to decide when doctors disagreed, but it was clear from the language of the Commissioners that they referred not to the treatment of criminal lunatics generally at Broadmoor, but to a particular class of them only. In a passage in their very last Report the Commissioners said—

"We have had every evidence at our visit that Dr. Orange is discharging with great ability the very important and anxious duties incident to the superintendence of this asylum."

In fact, through the whole of that Report there was not one single word of censure upon the management of this asylum. In conclusion, from the facts he had stated, he maintained that the expense incurred in the management of Broadmoor was not larger, as compared with Dundrum, than the difference in the cost of labour and provisions and in the class of persons confined in it would fully account for; that the death rate was lower in the former than in the latter; and that the inmates were properly treated in the former. He thought, therefore, he was justified in saying that the charge made by his hon. Friend was greatly exaggerated, and based upon insufficient grounds, and he believed that the House would do well in refusing to reduce the Vote.

DR. LUSH said, he must exonerate the hon. Member for Galway (Mr. Mitchell Henry) from having improperly brought forward this subject, he having been misled by the figures contained in Government Papers. On the contrary, he thought the hon. Member deserved great credit for the boldness with which

he had brought this subject under the notice of the Committee. It was clear that the dangerous class of criminals sent to Broadmoor had not in former years been treated with the humanity which was elsewhere shown towards such patients, and which the scientific acumen of the present day proved to be the most effectual treatment; and there could be no doubt that bad sanitary arrangements had at one time produced an exceptional rate of mortality at that establishment. The right hon. Gentleman had shown the necessity for a considerable staff; but the proportion of the staff to the patients appeared excessive. As to the mortality, it was not fair to compare a place with selected lives to pauper asylums like Hanwell. He remembered an asylum containing 300 patients of the same class, which was under his observation, in which during four months there was not a single death. It did not appear on the Estimates that anything was charged for rent; but if there was, the cost of other items would, of course, be reduced. With regard to the expense of the patients, expense ought not to be an object in such a case to a country like our own. The unfortunate persons who were confined at Broadmoor ought to be regarded not so much as prisoners, but as persons afflicted with mental aberration, and as such the most careful attention should be paid to them, and the most elaborate means should be adopted to restore them, if possible, to health. Holding that opinion, he could not support the reduction of the Vote.

MR. HENLEY said, it was difficult for anyone not acquainted with lunatic asylums to understand the magnitude of this Vote. The cost of patients at Broadmoor was nearly £1 a week per head, while in county lunatic asylums the average was about 9s. 6d., and at Dundrum it was only 12s. He might be told that the patients at Broadmoor were of a peculiar class, and no doubt they were; but he was not so certain that they required more attention than a great many of the helpless and troublesome patients who were to be found in general asylums. At Broadmoor there were 563 patients, and at Dundrum only 180, and everybody knew that as the number of patients increased the charge for the staff ought to diminish. In the Irish asylum the proportion of the staff

was 1 to 5½ patients, but at Broadmoor it was 1 to 3½; and the only way in which he could account for the difference was by supposing that the Irish, who had the reputation of being less manageable than the English when sane, became more manageable when insane. In county asylums the proportion of attendants was 1 to every 8 or 10 patients, and it was clear that either the county asylums were not doing what they ought, or else Broadmoor was doing a great deal more than it ought. At the same time, he did not think the hon. Gentleman opposite would be justified in reducing the Vote by one-half; but the matter was one which the Government ought to look carefully into, with a view to seeing whether some reduction could not be made, for at present the expense of the Broadmoor Asylum seemed to be almost profligate.

MR. WALTER said, he regretted to hear the expression "profligate" applied by his right hon. Friend to Broadmoor, for, as one of the Visiting Board, he might be supposed to have some little responsibility for its management. His right hon. Friend, who was or had been a visitor with himself of a county asylum, was mistaken in supposing that the attendance required by criminal lunatics was of the same kind as that required for ordinary asylums. Ordinary pauper lunatics were of a more helpless, imbecile class, including many old and many very young persons, and what they chiefly required was good nursing, and a nurse could obviously manage more patients than a warder could manage criminals. The class of lunatics at Broadmoor, on the contrary, required not so much good nursing as strict superintendence. His right hon. Friend (Mr. Bruce) had conclusively shown that the hon. Member for Galway was mistaken in supposing there was a material difference—indeed, he doubted whether there was any—between the cost of maintenance at Broadmoor and Dundrum. Including items not taken into account by the hon. Member, it was almost exactly the same. Considering that out of the Vote of £29,545, £11,629 was for victualling, and £9,671 for attendance, there was clearly only a very small margin for reduction. A more serious item than rates and taxes was the cost of fuel and light, which was no less than £2,400, whereas Dundrum was

Mr. Henley

not credited with sixpence on this head. He did not know whether among the other facilities possessed by Dundrum was the ability to do without light and fire; but if not there must be some omission in the Estimate, or these necessities must have been obtained from unknown sources. Any Member comparing the two accounts would remark that at Broadmoor there was a reduction on the current year of £651, while at Dundrum there was an increase, though a very small one. He was not unwilling to see the salaries of the officers of the Dundrum Asylum raised to what might be deemed to be a sufficiently high standard; but there was no margin, in his opinion, for making any reduction in the expenses of Broadmoor Lunatic Asylum. The authorities were at the present time doing all in their power to reduce the expenses of that establishment, and had only recently introduced Australian beef as part of the prisoners' food, thereby effecting a very large saving. Broadmoor, no doubt, was expensive, and always had been; but then it should be remembered it was one of the finest places in England, and, moreover, the prisoners had many miles of beautifully-gravelled paths to walk in, which greatly tended to restore their health. No doubt it was a much more expensive establishment than Dundrum; but Broadmoor had not one item of expenditure that Dundrum had—namely, £16 a-year for the services of a bandmaster. He should likewise be very glad to see such an item in the Vote for Broadmoor, as music, no doubt, tended very much to humanize and amuse the inmates. He would not recommend the House to make any alteration in the amount of expenditure incurred for Broadmoor Lunatic Asylum.

MR. PIM said, that the allowances in respect of the patients at Broadmoor were far more liberal than the allowances in respect of the patients at Dundrum, a fact, which he thought was clearly proved by the Estimates, proving that £3 6s. was the amount for clothing an inmate at Dundrum, whilst at Broadmoor £4 5s. was required.

MR. MITCHELL HENRY said, he thought the Secretary for the Home Department would admit that, though he had traversed, he had not successfully traversed, all the statements he (Mr. Mitchell Henry) had made.

What he had said was drawn from actual knowledge of the case, and was without error; and what he wanted to show was, that the asylum at Broadmoor was based on an entirely different and more expensive system than that which had been carried out with so much good effect at Dundrum; and he did not wonder that such was the case when it was remembered that the management of the asylum was carried out under a special Act of Parliament by gentlemen who knew nothing whatever of matters relating to the treatment of lunatics. He would not divide the Committee on his Amendment, but hoped the Home Secretary would investigate what had occurred at Dundrum and what had ensued at Broadmoor.

MR. STACPOOLE hoped that the Royal Commissioners who were appointed to inquire into the condition of the Civil servants in Ireland would also inquire into the management of Dundrum Asylum.

COLONEL BARTELOT said, that the sum for the lunatics at Broadmoor was most extraordinary and extravagant, as anyone acquainted with lunatic asylums, exceedingly expensive as they were, must know. While it was admitted that it was absolutely necessary that more expense should be incurred for lunatics than other persons, that only showed clearly and conclusively that the charge for these asylums ought to be removed from local to public taxation.

MR. GLADSTONE said, that the hon. and gallant Gentleman had stated that all those who had any experience as local authorities in the management of lunatic asylums must be astonished at the enormous expense at which lunatics were taken care of by the Government. The hon. and gallant Gentleman thought that a conclusive proof of the necessity for removing the charge for lunatics from local to Imperial taxation. He could concur neither in the conclusions nor the premises of the hon. and gallant Gentleman. His inference was quite the opposite—namely, that it was much better that the expenditure should be under the charge of those who had the deepest interest in keeping it low, than in the hands of the Government, whose interest was comparatively remote.

MR. SCLATER-BOOTH said, that under the existing law the Home Secretary had the right, which he frequently

exercised, of removing from Broadmoor criminal lunatics whose term of sentence had expired, though they still continued lunatics. Many of those persons were of a dangerous character, and the staff of the county asylums was not adequate to their superintendence and control. The establishment at Broadmoor had ample means of taking care of them, and what he would ask was that, instead of removing dangerous lunatics to the county asylums when their sentence had expired, the Home Secretary should retain them at Broadmoor, and charge the counties with the cost of their maintenance.

MR. BRUCE said, he had not overlooked that point; but unfortunately the establishment at Broadmoor was not large enough to take in all that wanted admission. It was, therefore, impossible to retain those who ought to be sent away when they were constantly refusing those who ought to be admitted.

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

(16.) Motion made, and Question proposed,

"That a sum, not exceeding £16,850, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1873, of Miscellaneous Legal Charges in England."

MR. NEVILLE-GRENVILLE said, that there were 85 Revising Barristers, of whom 84 had sat 797 days, or an average of less than 10 days each man, notwithstanding which 15 assistant Revising Barristers had been appointed at a cost to the country of £2,055 this year, £2,398 last year, and £3,330 the year before. He was told that the Judges had by statute the power to appoint assistant Revising Barristers, and if they did that the House of Commons was bound to pay them. But he had shown that these assistant Revising Barristers were unnecessary, and therefore he begged to reduce the Vote by £2,000, the sum inserted in the Estimates to pay for additional aid.

Motion made, and Question proposed,

"That a sum, not exceeding £14,850, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1873, of Miscellaneous Legal Charges in England."—(*Mr. Neville-Grenville*.)

THE ATTORNEY GENERAL said, it was quite true that the Judges had by statute the power of appointing a certain number of assistant Revising Barristers, and the persons so appointed were to be paid by the country. He was not going to deny that in many cases that power of appointment had been exercised in a manner which he should be sorry to stand there to defend, and, therefore, the Government were quite prepared to take by Act of Parliament a control over that power of appointment by the Judges, should Parliament think fit to confer it. But to refuse the Vote would be to interfere with the power which the Judges at present possessed, and if the Committee chose to do that, the Government would be prepared to ask Parliament to pass a Bill on the subject. If Parliament refused to pass such a Bill hereafter the Government would have no alternative but to introduce a Supplementary Estimate.

MR. SCLATER-BOOTH said, that if the money were not voted, it was unlikely that assistant Revising Barristers would be appointed.

MR. HINDE PALMER said, that as they had a Bill before them for improving the manner in which the registration was made, which would leave the Revising Barristers little or nothing to do, and as they were told that if that Bill were thrown out the Government were prepared to adopt any measure that would reduce the expenses by improving the preliminary stages of the registration, and rendering the Court of the Revising Barrister merely one of appeal, it would be better to wait the result of such legislation before they reduced the Vote.

MR. T. E. SMITH said, it was an unsatisfactory thing for a constituency to be handed over to an assistant Revising Barrister. In the constituency which he represented 2,200 voters had been struck off the register through a decision given by one of these temporary assistants.

Question put, and *agreed to*.

(17.) £53,858 to complete the sum for Criminal Proceedings, Scotland.

MR. M'MAHON said, he begged to call the attention of the Home Secretary to the fact that, while in Scotland, where there was a Crown prosecutor, the cost of criminal prosecutions for, say, 3,500,000 people was £71,000, the expenditure in England, if the same system were es-

tablished there, would be at the same rate upwards of £500,000, instead of about £200,000, as at present. He hoped that the Ministers would consider the cost of Crown prosecutors, before they introduced the system proposed by the Bill to be debated next Wednesday.

MR. MUNTZ moved that the Item of £700, "to meet the expenses of Procurators Fiscal about to be appointed," be omitted from the said Vote.

MR. HERMON complained that the Government gave no explanation with regard to this Vote.

THE LORD ADVOCATE said, he would remind the House that the principle adopted in Scotland was to pay for the performance of public services by public money. When the accounts of the Procurators Fiscal were beyond a certain sum, their fees were commuted to a salary at a considerable saving to the public Revenue.

MR. ALDERMAN LUSK said, he doubted, looking at the Estimate, whether justice was not done in England as satisfactorily as in Scotland, and at a less cost proportionately.

THE LORD ADVOCATE said, he wished to add that in Scotland the community were released from any expenditure for private prosecutions. The real question was, whether it was expedient on the whole that the expenditure of a prosecution should fall on the individuals who suffered from crime. At all events, it had been the custom for some centuries in Scotland for the State to pay: whereas in England a man who had suffered already by robbery was sometimes obliged to go to great expense to punish the depredators. There was a very great public economy effected in the manner in which these matters were managed in Scotland, and so far as the community was concerned probably no money was better spent than that expended in the department of public prosecution.

MR. WEST said, that before Wednesday, when the Public Prosecutors Bill would be brought forward, the Government ought to be prepared with an estimate showing the cost of adopting the system in England.

Amendment, by leave, *withdrawn*.

Vote *agreed to*.

(18.) £42,121, to complete the sum for Law Courts, Scotland.

(19.) £22,574, to complete the sum for the General Register House, Edinburgh.

SIR EDWARD COLEBROOKE said, he wished to ask for some explanation as to what had been done by the Treasury to fulfil the duties imposed upon them by the Act passed some years ago? The total Vote was put down at £30,000, but it appeared that there was some £5,000 or £6,000 a-year received more than was expended, taking it at its lowest amount. That had long been a crying grievance in Scotland, and the people were anxiously looking forward for the time when the transfer of land in Scotland would be relieved from the burden, for it pressed very severely on small transactions in land. The surplus arose, no doubt, before the Act of 1868 was passed, but owing to the changes then made, it was necessary to construct a scale to cover the emoluments of the register in the smallest places in Scotland. In Glasgow, Edinburgh, and other large towns in which there were a large number of transactions, this enabled matters to be dealt with so economically that there was a large surplus; so much so, that people were led to expect that when the whole of the registries were concentrated in Edinburgh, the Government would receive a much larger surplus, and be able to carry on the transactions with such economy that they would be able to reduce the amount of the fees payable throughout Scotland. They had been waiting patiently until the different offices had been absorbed, and the compensations had been awarded to the various officers who held these offices in different parts of Scotland. As he understood, the transactions were all closed, and they were awaiting in anxious expectation to hear from the Treasury what result had been arrived at. It was a duty under the Act specially imposed—and not as a mere power—upon the Treasury to fix the scale of fees for the future. He trusted his right hon. and learned Friend would be able to explain what steps Her Majesty's Government had taken in fulfilment of the just expectation of the people of Scotland, and when he was doing so, to take notice of a very important question which had been raised by those who were watching these transactions in Scotland—namely, the question how far the compensation for the different offices which had been absorbed was to be

thrown upon the fees in future, and how far they were to be paid by the Treasury? Legal opinions on the subject had been taken, and laid before him, and especially the hon. and learned Member for Richmond had been consulted, as well as Mr. Anderson, who had given a distinct opinion that it was not in the power of the Treasury to charge in future upon the fees received. It was, they said, undoubtedly a charge upon the Treasury, and it was one on which they were entitled to claim and levy taxes to provide for compensation. He believed that the accumulation received by the Treasury would be more than a hundred times sufficient to pay for the compensation; but whether that were so or not, he held in his hand the highest legal opinion on the subject, and trusted that the right hon. and learned Gentleman would inform Scotch Members what relief Her Majesty's Treasury were prepared to afford in this respect.

MR. BAXTER said, he was not surprised at the question having been asked. His hon. Friend had understated his case. Since 1846 a sum of £145,372 had been paid into the Exchequer from the fees of the Register Office in excess of expenditure. It was obvious that Government had no right to obtain a profit from this source, and a pledge had been given some time ago that the fees should be reduced so as merely to cover the expense of the office. The delay in arriving at a decision had been caused by the necessity of taking advice as to whether the new scale of fees should be fixed so as to provide for the superannuation of the district Registrars of Sasines. The Treasury had concluded not to do so, and they had directed the Lord Clerk Register of Scotland to make out the new scheme accordingly.

Vote agreed to.

(20.) £17,700, to complete the sum for Prisons (Scotland), &c.

(21.) £58,411, to complete the sum for Criminal Prosecutions (Ireland).

(22.) £33,525, to complete the sum for the Court of Chancery (Ireland).

(23.) £20,612, to complete the sum for the Superior Courts of Common Law in Ireland.

(24.) £6,350, to complete the sum for the Court of Bankruptcy and Insolvency in Ireland.

(25.) £9,216, to complete the sum for the Landed Estates Court, Ireland.

(26.) £8,643, to complete the sum for the Court of Probate in Ireland.

(27.) £1,310, to complete the sum for the Admiralty Court of Registry, Ireland.

(28.) £11,240, to complete the sum for the Office for the Registration of Deeds in Ireland.

(29.) £2,227, to complete the sum for the Registration of Judgments, Ireland.

(30.) £75,323, to complete the sum for the Police Courts, Dublin.

(31.) £658,139, to complete the sum for the Constabulary Force, Ireland.

(32.) £32,500, to complete the sum for Government Prisons, &c. Ireland.

(33.) £45,855, to complete the sum for County and Borough Gaols, &c. Ireland.

(34.) £4,073, to complete the sum for the Dundrum Criminal Lunatic Asylum, Ireland.

(35.) £1,610, to complete the sum for the Four Courts Marshalsea, Dublin.

(36.) £43,920, to complete the sum for Legal Expenses, Ireland.

(37.) £45,568, to complete the sum for Salaries and Allowances of Governors, &c. in certain Colonies.

SIR CHARLES ADDERLEY said, he must express his extreme satisfaction with the general aspect of the Colonial Votes this year, as an evidence that they were carrying out the policy long ago recommended and pursued by parties on both sides of the House. They were getting the colonies gradually to take their share, in common with those at home, in the expenditure necessary for their own affairs, both civil and military. He should like the Under Secretary for the Colonies to explain what progress was being made in that line of policy, as regarded the concentration of government that had been happily inaugurated in the Leeward Islands, inasmuch as practical measures of that character were much more valuable than the vague discussions on abstract colonial questions which were too frequently introduced in that House. It was a fair thesis for a debating club, whether Colonial Representation could be introduced in that House, or a Congress formed of all the Empire, on common concerns. No one wanted more than discussion to disabuse his mind of such vagaries. The scatter-

ing English troops to maintain the British flag in all quarters of the globe, in distrust of British colonial troops, was a sentiment which experience dissipated. But the concentration and self-support of colonial governments was a practical concern of great importance. It had been proposed by Mr. Pope Hennessy that the government of Labuan should be united to that of the Straits. Labuan was now in a flourishing condition, and the reason for uniting that island to the Straits had been clearly pointed out by that Governor who had made it so. Labuan having been formed into a government at the request of a number of English merchants, had been so well presided over by that gentleman that it had, at last, after much failure, paid its own expenses, and the recommendation in question was based on the fact that the colony was too small to furnish adequate materials *en permanence* for its administration or for the formation of a Legislative Council. It had been said, on the contrary, that if Labuan was a flourishing colony, why not leave it alone? But it appeared to him that the more the people showed that they could manage their own affairs, the more incumbent it was upon this country to see that they should not be needlessly and extravagantly burdened, and that no unnecessary government should be imposed upon them. He believed that if the proposed union should be effected the salary paid to the Governor might be reduced by one-half, which would amply suffice for the local secretary of the Straits Governor. He wished to know whether the Government intended to act upon the recommendation of Mr. Pope Hennessy, the carrying out of which would not only reduce the expenditure of the colony, but greatly improve the efficiency of its government?

MR. KNATCHBULL-HUGESSEN said, that after a careful perusal of Mr. Pope Hennessy's Minute, he had come to the conclusion that there was much that he proposed that might be effected by a judicious arrangement between the two colonies without imposing a union upon them. He did not, however, pledge the Government against this union; but certainly the wishes and interests of the Straits settlements should be consulted in the matter as well as those of Labuan. It might be that as time progressed, and as the circumstances

of the two colonies came to be fully considered, this union might be found to be desirable. But the course which the Government had thought it right to take had been this—Labuan had only lately become a self-supporting colony, and it had hardly yet been sufficiently proved that the self-supporting nature of Labuan would continue to exist. They had therefore thought it desirable that a little time should be afforded in order that the true condition of Labuan might be ascertained, and they had instructed Sir Henry Ord, the Governor of the Straits settlements, to consult with the present Governor of Labuan, and report upon the whole bearing of the question. When the Government had seen that Report they should be able to take a broad and just view of the question, and to decide whether or not a union was desirable. The hon. Member for North Staffordshire had alluded to the increase in the Estimate for the Leeward Islands. The fact was, that for future economy and the better management of these islands it was thought desirable that they should be confederated, and it had been found necessary to make sacrifices at first in order to secure a permanent benefit. One of the items of cost had arisen from the necessity to providing the Governor with a steamer to visit the different islands, and that steamer had cost £13,200. The islanders had also asked that £4,000 or £5,000, the salaries of governors and administrators hitherto, should be voted to them for five years as a grant in aid to enable them to make the necessary arrangements. The Treasury had not pledged themselves to this for five years, but he hoped they would do so, believing that federation would result in economy and good management, and that the charges on the Imperial Revenue would gradually disappear. As to the federation of the Windward Islands, the Government thought it would be well to wait and see the experiment of the federation of the Leeward Islands carried out before they proceeded any further in that direction.

MR. RYLANDS wished to know why a salary of £2,200 was paid for a governor of the Bermudas, seeing that the Bermudas were only a military station? He also wished to know what reason there was for a continuance of the Vote of £2,500 for clergy in North

America, and whether that was an expiring Vote?

MR. KNATCHBULL-HUGESSEN said, that Bermuda was a naval station of great importance to England, and it was not so much for the colony as for ourselves that this salary was paid to the Governor.

MR. R. N. FOWLER wanted to hear some explanation of the reduction of £8,000 in the Vote for Malta, and of £5,158 in the Vote for St. Helena.

MR. KNATCHBULL-HUGESSEN said, the Vote for clergy in North America was an expiring Vote, diminished £238 by the death of some of the recipients. The charge for Malta of £8,000 last year, which did not now re-appear, was owing to the construction of waterworks from which Imperial interests received benefit, and in respect of which a charge upon Imperial funds was therefore justified. The Vote for St. Helena was in respect of charges—including Governor's salary and mail subsidies—which the local revenues had lately proved quite unable to meet, and which therefore the Treasury had paid, to be repaid according to the directions of the Secretary of State.

Vote agreed to.

(38.) £2,976, to complete the sum for the Orange River Territory and Island of St. Helena.

(39.) £79, to complete the sum for Mixed Commissions, Traffic in Slaves.

(40.) £8,906 to complete the sum for Tonnage Bounties and Bounties on Slaves, &c.

MR. RYLANDS said, he objected to the system of allowing the Navy to claim bounties. He believed many of the claims were questionable.

MR. BAXTER said, the hour was too late to allow of so large a question being discussed. Every claim went before a Court.

Vote agreed to.

(41.) £7,410, to complete the sum for the Emigration Board.

MR. MACFIE urged the propriety of adding some Members of Parliament, colonists, or friends of the working classes to the Board, in order to carry out its original purpose of directing a flow of emigration and utilizing the tracts of land belonging to the Empire.

Vote agreed to.

(42.) £4,500, to complete the sum for the Treasury Chest.

House resumed.

Resolutions to be reported *To-morrow*, at Two of the clock;

Committee to sit again upon *Wednesday*.

CUSTOMS AND INLAND REVENUE BILL.

(*Mr. Dodson, Mr. Chancellor of the Exchequer, Mr. Baxter.*)

[BILL 106.] CONSIDERATION.

Bill, as amended, *considered*.

MR. ALDERMAN W. LAWRENCE moved the addition of a clause exempting from the duties on inhabited houses any tenement occupied for the sole purpose of any trade or business, or of any profession, vocation, or calling, when inhabited as to part thereof by a servant or other person employed for the protection or care of such tenement and not being otherwise an inhabited dwelling-house. The clause proposed was in substance identical with one previously approved by the Chancellor of the Exchequer, and which had only been rescinded by a majority of 1, upon a division taken quite unexpectedly.

New Clause (Enactments in Schedule repealed, and in lieu thereof exemption from inhabited house duty of trade and business premises under care of servant only,) — (*Mr. Alderman Lawrence*,) — *brought up*, and read the first time.

Motion made, and Question proposed, "That the said Clause be now read a second time."

MR. R. N. FOWLER supported the clause, which would be a great boon to the City of London.

THE CHANCELLOR OF THE EXCHEQUER said, it was the duty of the Government to propose taxes, and it was the function of the House to consider the propriety of exemptions. The House, after full debate, had rejected the clause by a majority of 1. He did not propose to go into the merits of the question, but the Government thought it their duty not to press the matter again on the House.

MR. CRAWFORD supported the clause, and expressed his surprise at such a decision, and contrasted it with the conduct of the Government in the case of the Accountant General of the

Court of Chancery. He hoped the House would show that it did not approve of such inconsistent behaviour.

MR. SCLATER-BOOTH thought that the question required further attention.

MR. GLADSTONE defended the Chancellor of the Exchequer. It was in such cases very nearly an established rule for the Government to acquiesce in the judgment of the House unless some strong public necessity rendered it imperative to disturb the decision. The decision arrived at the other night was not a surprise, but the spontaneous expression of the opinion of the House. At the same time he must admit that the question was not in a satisfactory position. It required a further investigation, but on a somewhat larger scale. In omitting one anomaly it might have rendered more glaring other anomalies. It would, therefore, be the duty of the Chancellor of the Exchequer to give his careful attention to the subject before he could be called on again to make financial proposals to the House.

MR. BARNETT hoped the House would still adhere to the decision they formerly gave on this subject, and adopt the clause of the hon. Alderman.

ALDERMAN SIR JAMES LAWRENCE said, this question affected not London alone, but also Liverpool, Manchester, and every large town in the kingdom, and it was not fairly submitted to the House when it was previously under discussion.

Question put.

The House *divided*:—Ayes 51; Noes 80: Majority 29.

MR. MACFIE moved an Amendment in Clause 4, page 2, line 34, to leave out after "goods," as far as and including "accordingly," in line 37, and insert "absolutely prohibited to be imported," the result of which would be that articles which professed falsely to be of British manufacture would be prohibited from being imported even for exportation. He made that proposal in justice to British manufacturers and as a testimony to the truth.

MR. MUNDELLA supported the Amendment.

MR. BAXTER saw no objection to it.

Amendment *agreed to*.

Clause, as amended, *agreed to*.

Bill to be read the third time *To-morrow*, at Two of the clock.

ADMIRALTY AND WAR OFFICE REBUILDING BILL.

On Motion of Mr. AYRTON, Bill for the acquisition of property for the purpose of erecting thereon a new building at Whitehall for the Admiralty and War Office, *ordered* to be brought in by Mr. AYRTON and Mr. BAXTER.

Bill *presented*, and read the first time. [Bill 200.]

VICTORIA PARK BILL.

On Motion of Mr. AYRTON, Bill to confirm an Agreement for the purchase by the Metropolitan Board of Works of certain land adjoining Victoria Park, and for the appropriation of such land as part of the same Park, *ordered* to be brought in by Mr. AYRTON and Mr. WILLIAM HENRY GLADSTONE.

Bill *presented*, and read the first time. [Bill 201.]

DRAINAGE AND IMPROVEMENT OF LANDS (IRELAND) ACTS AMENDMENT BILL.

On Motion of Mr. ATTORNEY GENERAL for IRELAND, Bill to amend the several Acts relating to the Drainage and Improvement of Lands in Ireland, *ordered* to be brought in by Mr. ATTORNEY GENERAL for IRELAND and The Marquess of HARTINGTON.

Bill *presented*, and read the first time. [Bill 202.]

PAWNBROKERS BILL.

Select Committee on the Pawnbrokers Bill *nominated*:—Mr. WINTERBOTHAM, Mr. SOLATER-BOOTH, Mr. THOMAS HUGHES, Lord GEORGE HAMILTON, Sir THOMAS CHAMBERS, Sir WILLIAM BAGGE, Mr. CARTER, Mr. ORR EWING, Mr. ANDERSON, Mr. RICHARD ARKWRIGHT, Mr. PLIM-SOLL, Mr. ARTHUR GUEST, Mr. GRIEVE, Mr. CHARLES HENRY MILLS, and Mr. WHITWELL:—Power to send for persons, papers, and records; Five to be the quorum.

Ordered, That the Report and Evidence laid before Parliament by the Select Committee on Pawnbrokers, in Session 1871, and the Report of Dr. Hancock on the Law of Pawnbroking in Ireland, be referred to the Select Committee on the Bill.

House adjourned at Two o'clock.

HOUSE OF LORDS,

Tuesday, 18th June, 1872.

MINUTES.]—PUBLIC BILLS—*First Reading*—Queen's Bench (Ireland) Procedure* (159); Court of Chancery Funds* (161); Customs and Inland Revenue* (162); Chain Cables and Anchors Act (1871) Suspension* (163).

Second Reading—Appointment of Commissioners for taking Affidavits* (183); Pier and Harbour Orders Confirmation (No. 2)* (134); Trusts of Benefices and Churches (161); Local Government Supplemental (No. 2) and Act (No. 2, 1864) Amendment* (180); Board of Trade Inquiries* (165).

Committee—Baptismal Fees* (128-160).
Report—Pier and Harbour Orders Confirmation* (116).

Third Reading—Gas and Water Orders Confirmation (No. 2)* (122).

TRUSTS OF BENEFICES AND CHURCHES BILL.

(The Lord Bishop of Carlisle.)

(No. 151.) SECOND READING.

Order of the Day for the Second Reading, read.

THE BISHOP OF CARLISLE in moving that the Bill be now read the second time, said, its object was to remove doubts which had been entertained as to the validity of certain trusts for the exercise of ecclesiastical patronage. The single clause of which the Bill consisted provided that the powers and provisions of the Acts of Parliament which authorize the assignment or limitation of the patronage of churches or ecclesiastical benefices with cure of souls should be held to authorize assignments or limitations of such patronage with such consents and under such circumstances as are declared by the said enactments, so as to vest the same patronage in any number of corporations sole not exceeding five, or in one or more of such corporations. It was provided that the Bill should have a retrospective operation as to patronage heretofore assigned.

Motion *agreed to*.

Bill read 2^d accordingly, and *committed* to a Committee of the Whole House on Friday next.

ARMY—THE PURCHASE AND THE SCIENTIFIC CORPS.

ADDRESS FOR A COMMISSION.

LORD ABINGER, in moving the Address, of which he had given Notice, for the appointment of a Royal Commission to inquire into alleged injustice towards certain officers of the late Purchase Corps by their supersession by officers of the Scientific Corps, said, it was, perhaps, hardly to be expected that a Member of the Opposition should receive a satisfactory answer when objecting to something that was being done by Her Majesty's Government; but he thought the noble Marquess the Under Secretary for War might have given him a more sufficient answer than he did when he brought this subject forward on a former occasion.

—because it was one which had in no respect a political bearing, but which the whole Army watched with the greatest interest. The Question he asked on a former occasion was as to what steps Her Majesty's Government proposed to take to remedy the injustice done to the officers of the late Purchase Corps through their supersession by the officers of the Scientific Corps. On that occasion the noble Marquess denied the alleged injustice; that the supersession would only apply to a small number; and, lastly, he argued that the effects of the system would be only temporary. Temporary it would be in one sense, for this reason—that life was short. And after the Purchase officers—against whom the supersession applied—had all died out, the injustice would survive only in the memory of their families. On the former occasion he (Lord Abinger) stated that the number of officers of other branches of the service who would suffer by the supersession of 300 officers of the Artillery and the Engineers was 815. He must modify those figures to some extent—that was to say, that the cases of great injustice were not so numerous as this—but there could be no doubt that the number of captains who would suffer in this way was very considerable. He held in his hand a tabular statement on the subject, which had been examined by a hon. and gallant Member of the other House of Parliament, who, though on a bed of sickness, was still as ready as ever to give all the assistance in his power to his brother officers. He alluded to Colonel Anson, the Member for Bewdley. As the tabular statement was a mass of figures, he would not trouble their Lordships by reading it in detail, but it shows that 560 captains of 17 years' service in the late Purchase Corps would be superseded by 50 captains of Artillery and Engineers, of whom 49 had only the same length of service, while one was junior to the 560. While 50 officers of Artillery and Engineers, having 18 years' service, superseded 279 officers in the regular Army having the same length of service. When he came to captains in the late Purchase Corps of from 25 up to 30 years' service, he found that no less than 44 of them were superseded by not less than 300 officers of the Artillery and the Engineers, while one captain of 30 years' service was superseded by 344 officers

Lord Abinger

of the Artillery and Engineers who were junior. It was impossible, therefore, to say that this supersession was unimportant. He had received a letter from an officer of 21 years' service in a Cavalry regiment. He had bought all his steps, had served nine years in India, and had waited a long time for his promotion—he was still a captain; and he complained that the Government prevented him from purchasing his majority, while a large number of officers of Artillery and Engineers would pass over his head by this supersession, and would have over him all the advantages of military seniority. The tabular statement showed that of officers of 21 years' service there were 68 who were superseded by 188 officers of Artillery and the Engineers. He thought he need not go further to convince their Lordships that the officers whose case he had ventured to bring under the consideration of the House had a very strong one. The Secretary of State had stated in another place that £20,600 would be the expense of the scheme. The promotion in substantive rank would involve an increase of pay of from 4*s.* 2*d.* to 6*s.* 6*d.* a-day; but to give the officers of the late Purchase Corps brevet rank would involve an increased pay of only 2*s.* a-day, which would amount to about £10,000 a-year. Now, though officers valued rank very much more than pecuniary reward, he thought that what he had suggested would only be just, and he was sure the country would not refuse to find the money for it. The officers of the Artillery and the Engineers were about to receive a permanent advantage; but this became a serious question when it was proposed to give them that advantage at the expense of so many officers in the other branches of the service. Let their Lordships take the case of a battalion of 1,000 men. It would have three Field Officers; or take 1,333 men, the proportionate number of Field Officers with them would be four. To a garrison battery there were 158 men; so that to 1,264 men in the Artillery there would be six Field Officers. The proportion of Field Officers would therefore be one-third more in the Artillery. The new system was a sop given to certain officers in order to enable the Government to get over the retirement difficulty. If it were fully carried out, the result would be that the number of Field Officers in the battalions of the

Line, the colonial corps, the battalions of the Guards, and the regiments of Cavalry, exclusive of extra Field Officers to regiments in India, would be 564, while the number in the Scientific Corps would be 760. He trusted he had shown reasons why their Lordships should adopt the Motion which he now begged to move.

Moved that an humble Address be presented to Her Majesty, praying that a Commission may be issued to inquire into the alleged injustice towards the captains of the late Purchase Corps occasioned by their proposed supersession by the first captains of the Scientific Corps; and further to inquire whether the intended advancement of the first captains of the Royal Artillery and Engineers to the rank of field officers would have the effect of removing the slowness of promotion in those corps, and as to the best means of remedying the same; and that in the meantime and until the report of the Commission the publication of the Royal Warrant on this subject be delayed.—(*The Lord Abinger.*)

THE MARQUESS OF LANSDOWNE said, that although no one regretted more than he did that the noble Lord (Lord Abinger) should have thought it necessary to put this Motion on the Papers of their Lordships' House, he was not sorry that he should have this opportunity of supplementing by a few words the explanation which he had given in answer to the noble Lord a few nights ago. In the discussion on the occasion to which he referred, statements were made by noble Lords who spoke with great authority, to which he was not on the moment able to reply; and he was now anxious to show that Her Majesty's Government, in electing to pursue this course with regard to the Scientific Corps, had not either lost sight of or ignored many of the arguments then put forward. Her Majesty's Government felt it to be their bounden duty to face this difficulty and deal with it in some way or other; the course which the predecessors of the present Government had pursued in reference to the question pointed in this direction; and had the difficulty been avoided by the present Government they would have justly incurred the reproach of their Lordships' House, the public, and the service. The present Government came into office with the inheritance of some materials of great importance as bearing upon the subject under discussion. First, they had the Report of the Committee of the House of Commons on Army Re-

tirement of 1867; and, next, they had the result of the investigations subsequently made by the War Department when Sir John Pakington was at its head, and which were extremely valuable. Now with regard to the Report of the Committee of 1867, he specially wished to refer to it because its recommendations were difficult to carry out. One of the principal recommendations of the Committee involved a retirement—in one case compulsory and in another optional—after 22 years' service. The Government did not desire to adopt the scheme for two reasons—one of great, the other of paramount importance. The first reason was, that the scheme would have been inordinately costly. It would have raised the retirement in the Royal Artillery in time of peace from £42,400 to £81,146 as a minimum, and £119,989 as a maximum, and that of the Engineers from £18,285 to £54,678 as a minimum, and £77,477 as a maximum. That was one good reason for not adopting the scheme; but there was another which weighed still more with the Government, founded on the interests of the service. It could easily be understood that in the interests of the taxpayer there could be no greater error than that of offering exceptional inducements to officers in the prime of their intellectual and physical vigour, and who were both possessed of ability, and whose military experience had reached its most ripe stage of usefulness, to abandon the service to which they were of such value and transfer their abilities to civil employments. He believed one officer of the Ordnance Corps had been taken without any money as a partner in a firm, solely on account of his proficiency in the particular branch in which that firm required his assistance. After much consideration of all the circumstances, and reluctant to adopt the scheme of the Committee of 1867, the Secretary for War determined to improve the position of the officers of the Scientific Corps, not by any scheme of retirement, but by endeavouring to proportion their rank to their responsibilities and the importance of their duties. In order to arrive at a fair opinion of these positions and responsibilities his right hon. Friend the Secretary of State for War looked, in the first instance, to the practice of foreign countries; in the second place to the precedents and indications con-

tained in the history of our own service; and lastly, and most important of all, to the position of the commanding officer of a battery. In Russia, a battery consisting of eight guns was commanded by a lieutenant colonel: in Prussia, a battery consisting of six guns was commanded by a captain—but a Prussian captain in the Infantry was a mounted officer, and commanded 250 men. In France a battery of six guns was commanded by a captain, but there was a very large proportion of young officers both in the Artillery and Engineers. Looking to the precedents in our own service the Secretary for War found that in the Peninsular and the Crimean Wars the commanding officers of batteries, though captains, had been ranked for reward and brevet with the officers commanding regiments. After the battle of the Alma, Lord Raglan required a return of the captains commanding batteries; they were mentioned with the officers commanding regiments; they got the Bath, and were all promoted. Then, looking to the responsibilities devolving on the officer commanding a battery at the present day, his right hon. Friend considered that the command of a battery of field artillery was more akin to the command of a wing of a regiment than to the command of a company. Having regard to all the considerations, and having considered various proposals, the Secretary for War came to the conclusion that the first captain of Artillery should have the rank of major. He did not wish to detain their Lordships, or to weary them with figures; but he might say that the total additional expense which this scheme involved would be £27,000 less than that of the scheme recommended by the Committee of 1867. He had looked as carefully as he could into the objections enumerated by the noble Lord opposite (Lord Abinger) to the course which the Government had proposed, and they seemed to resolve themselves into two main groups. The first set of objections amounted to this—that a grievous injustice was done to the officers of the Line, because by what it was proposed to do a very large number of them would be superseded by those first captains of Artillery being made majors. The second objection, if he understood it rightly, was that there would be very great military inconveni-

The Marquess of Lansdowne

ence—if he might use that expression—on account of the large predominance of field officers of Artillery as compared with the field officers of the Line which would result from their scheme whenever any body of the troops were brought together. When the noble Lord said their scheme involved supersession, he, for one, admitted at once that it did; but the question their Lordships had to decide was not whether there was some supersession, but whether its amount was inordinate or unfair. He was prepared to show that the supersession involved in their scheme was slight in its degree and temporary in its character; and further, that if the periods of promotion which were laid down by Sir John Pakington, which were universally accepted, and all pointed in this direction, were to be carried into effect—if they were so to arrange things that a captain of Artillery, after spending 18 years in the service, was to be no longer a captain—they could not attain that end by any means, unless they sacrificed the interests of the service by removing from it officers in the prime of their career, without having at least as much supersession as was involved in the present scheme. Their Lordships had been told on two former occasions what, in the opinion of noble Lords opposite, that supersession would amount to. On the last occasion the figures given by the noble Lord who moved the present Address were, if he remembered rightly, that 331 Ordnance officers would be put over the heads of 823 officers of the Line. [Lord ABINGER said he had qualified that statement.] He was glad to hear that, because those figures needed very considerable qualification. The figures formerly given by the noble Lord—and he was not sure that his present figures were not open to the same criticism—appeared to involve this fallacy—namely, that the whole of those officers of the Ordnance Corps to be promoted to the rank of major were juniors to the whole of those officers of the Line whom, according to the noble Lord, they were about to supersede. Now, he objected to those figures, and still more to the particular case which had been quoted as an illustration of the mischief they were doing. The officer selected on a recent occasion as a typical instance of that alleged injustice was an officer of the Indian Engineers. It was, he thought,

scarcely right to take Captain Ducat as a fair instance of that supersession. Captain Ducat, who was an Engineer officer, was four years junior to the youngest of the Artillery officers to whom the statement related; and again, he was a member not of a non-purchase, but of a Purchase Corps. He was informed that the Bombay Engineers were, strictly speaking, a Purchase Corps; and it was owing to the fact that they were a Purchase Corps that Captain Ducat had attained the position to which some noble Lords had adverted. Another peculiarity about that officer's case was that he was a member of one of the smallest corps in the whole of the Engineers; so that in that corps the steps were much more rapid than if they took an instance out of any other corps of Indian Engineers. With regard to the actual extent of the supersession which their scheme would involve, that point had been very carefully inquired into by the War Office actuaries, and the result of their inquiries showed that there would be 34 officers only who would have a less period of service than the average service of the Line on attaining the rank of major. That average was a little under 18 years. [Lord ABINGER said he did not proceed upon averages.] The noble Lord objected to averages, but in a large comparison of that kind he (the Marquess of Lansdowne) thought averages were the only thing they could possibly look to; and he told the noble Lord candidly that he would rest the main part of his defence on averages. The actuaries went on to tell them that during the next two years it would take an Ordnance Corps officer 17 years to reach his majority, whereas in the Line about 18 years was the period; so that for those two years there would be a slight supersession. After those two years they were told that the services would stand in a somewhat similar footing for two years longer, and soon afterwards the Ordnance Corps would attain their normal period of promotion, which would be $2\frac{1}{2}$ years. The Government were, however, pledged to maintain promotion in the Infantry of the Line, at an average of about 18 years; and, therefore, after a very limited period it would be the Artillery and Engineers who would have the disadvantage, and the Line would have the advantage in respect to promotion. The

noble Lord (Lord Abinger) complained of the great injustice done to senior captains of the Line by that supersession; but it was those very officers who would be the greatest gainers by the change recently made. The reason why those senior captains had been stagnant as to rank was because they had been purchased over: the Government had made arrangements which would enable them to rise at a proper period, and they would be gainers by what had been done. There was only one other comparison which he wished to make—namely, that between the injustice, as the noble Lord called it, of the limited and temporary supersession under the Government scheme, and the wholesale injustice which the noble Lord and others had acquiesced in. He was surprised to hear it said that those senior captains felt that supersession to be a slur upon them. He asked what must have been the feelings of the whole Ordnance Corps when, under the purchase system, they were superseded time after time and year after year by the Line? If there was a slur now, it must have been ten-fold greater under the old system. He now came to an argument which a noble and gallant Lord on that side of the House had brought forward some nights ago, and which had embarrassed him (the Marquess of Lansdowne) when the noble Lord used it. He stated that the flow of promotion was inconsistent with the fact that in a brigade of Artillery there would be 32 captains and subalterns and 14 Field Officers, while in the Line there would be 30 captains and subalterns and only three Field Officers. That argument, he must admit, seemed to him one that was very difficult to answer, but he believed the explanation of the difficulty was this—there were several facts which required those figures to be very much modified. In the first place, the Line had, and the Artillery and Engineers had not, an unattached list—and that circumstance must be borne in mind as affecting that calculation. In the second place, experience told them that the Artillery and Engineers would always be the arm which men desiring to devote their whole life to the service in what might be called a professional sense would select in preference to the Line. ["No!"] He thought that experience had unquestion-

ably taught that. Under the purchase system, out of 1,000 officers who entered the Army 627 retired before they reached the rank of Field Officer. Of course, that difference would not continue to exist in the same degree when purchase was abolished; but they were justified in anticipating that there would always be some difference of that kind between the two branches of the service. A third fact bearing on the difficulty to which he referred was that the Government had pledged itself distinctly—in the event of other means failing—to maintain the promotion to the rank of major in the Line at or about the standard period of 18 years. So that, if everything else failed, they might reasonably expect that whatever Government was in office something would be done to keep promotion in the Line in a proper condition. With regard to the contention that under the change the number of field officers in the Engineers and Artillery would be wholly disproportionate as compared with those in the Line—he maintained that this was only apparent. There were, it was true, 14 field officers to the 1,600 men forming the brigade of Artillery, and only three to the 1,000 men forming the brigade of Infantry. But the proportion of Infantry to Artillery was 16,000 Infantry to the brigade of Artillery; so that the Infantry field officers would number 48 to 14 of the Artillery, or in the proportion of nearly four to one. Another argument was that by giving majorities to the captains of Artillery a distinct inducement was offered to them to remain in the service instead of going out to increase promotion, so that things in the future would be worse than they were in the past. But at present officers in the Artillery were not in the habit of retiring, except from ill-health; so that even on the assumption that promotion to the rank of major would be an inducement to these officers to stay on, what the Government had done had not made matters worse. He had been obliged to go into details in order to explain the grounds upon which the changes had been made. The conclusion at which the Government had arrived, and which he had endeavoured to state to their Lordships was this—it was incumbent on the Government to provide some remedy for the stagnation of promotion in the *Scientific Corps*, and the remedy proposed

would, in their belief, cause less disturbance than any other that had been suggested. Some disturbance was inevitable. The noble Lord had spoken of injustice, and, truly, injustice had been done—but it was not of the present day, and it was this very injustice that the Government sought to remedy. He trusted their Lordships would assist in carrying out a scheme which public opinion demanded, and to which the Government had very good reason to adhere.

THE DUKE OF CAMBRIDGE: My Lords, I must express my great satisfaction at the very calm and moderate manner in which this subject has been introduced, and I believe the House will agree with me that my noble Friend who has just spoken (the Marquess of Lansdowne) has replied to the arguments advanced against the proposals of the Government in a manner highly to his credit. For my own part, as the representative of the whole Army, I cannot but feel very strongly on this question; but speaking on behalf of the Army as a whole, I wish to divest myself in dealing with this question of all preference to any particular branch of the service, and I should desire that the same feeling should pervade those composing the different branches when considering any change that is proposed, because it is necessary for the good of the service that the most cordial good feeling should exist between all branches whenever and wherever they may be brought together. No doubt differences of opinion will arise among a large body of men on questions of justice and injustice, and the subject may be argued with strong feelings on both sides. I am glad that upon this occasion nothing approaching the acrimonious has been imported into the discussion, and I feel sure the service as a whole will not be injured by discussions conducted in the spirit in which this has been taken. Otherwise I should deprecate any discussion whatever, because it cannot but be injurious that a large portion of the service should be encouraged in the feeling that they are being treated unfairly. There is no doubt that, when the members of any profession get accustomed to a state of things which is acknowledged in a general way to be defective and fruitful of injustice and hardship, they accept the injustice and

The Marquess of Lansdowne

hardship because they found it to exist, and they bear it without question; but immediately that something new is set afoot the feeling of injustice revives, and in any reform that is proposed the smallest injustice and hardship is magnified, and by being constantly dwelt upon the proposed change is liable to the severest criticism. This is essentially so in this case. I was myself the person who originally brought this subject forward as regards stagnation of promotion, and I cannot but recollect that both sides of the House admitted it to be a question difficult to settle—as all questions must be that involve organic changes. It was felt that injustice existed in the Ordnance Corps; promotion was slow, and the present scheme has been designed to put the Artillery and the Line on the same footing in regard to promotion. There is no injustice in this as a matter of principle. It is obviously advisable that promotion should go on *pari passu* in every branch of the service. I make these remarks to show that, although it was I who originally brought forward the question which led to these changes, I at the same time strongly feel the objections to organic changes, and am distinctly of opinion that they should not be entered upon without a clear gain. Promotion in the Artillery was so bad in consequence of the large augmentations which took place in 1854 and in 1857—especially among subalterns—as to take away all spirit and hope for the future. That was a state of things which it was impossible to overlook; and I have been repeatedly during past years requested by successive Secretaries of State to suggest some means of improvement. The matter was referred to a Committee of the House of Commons, which made a Report; but the scheme suggested by that Committee was pronounced too expensive to secure the concurrence of Parliament. Another scheme was suggested by which the difficulty was sought to be overcome by creating the rank of major in the Ordnance Corps; and the Government decided that it would be better to adopt this proposal than to give such large retiring allowances as would make it worth while to go out. The Secretary for War under the late Government (Sir John Pakington) laid down standard periods, on the basis of which the right hon. Gentleman wished to calculate

actuarially what ought to be the periods for promotion in the Ordnance Corps, and for a captain the periods named were 12 years, for a major 18, and for a lieutenant colonel 25 years. That proposal was based on the opinion that it would secure a better flow of promotion essential to the public service than any scheme of retirement which could be reasonably put forward. I agree that the essential point is to secure such rapidity of promotion as would give elasticity to the service; and if there be any argument needed in support of the change in addition to the ordinary requirements of the public service, it may be found in the fact that the Artillery, which in times past was a less important arm, has now come to be regarded as of the highest value. Your Lordships should bear in mind that the right hon. Gentleman the Secretary of State for War, when questioned on the subject last year, said he could not enter into the question of retirement: he said that the question was too large a one to be then considered, and that promotion would be kept very much at the point at which it then stood in the Line. I also understand that if this promotion be now granted, and that it should be found to be in excess of the Line hereafter, the Line would be brought up to it. The Line, therefore, has some security for the future. There is, no doubt, a considerable difference of opinion as to whether promotion is better obtained by this scheme or by a system of retirement. For my own part, I am not adverse to a system of retirement, and though, no doubt, it would lead now and then to our losing a good officer, I do not so much mind that, because I think we can always replace him. At the same time, it must not be carried to too great an extent, because in that case the service would suffer. I think if we could adopt some medium course by which we could have a reasonable system of retirement, at the same time not exceeding the expenditure which Parliament could be reasonably called upon to grant for the purpose, we should arrive at what would really be the proper and normal point for promotion in the Army. I do not think it much matters whether promotion in the Ordnance Corps and in the Line is exactly on a level. With an increased flow of promotion in the Ordnance Corps there will be no back

of candidates. I do not deny that there is a great deal to be said in favour of the principles of promotion either by advancement in rank or retirement. I am anxious that the House should see I do not wish, as far as I am concerned, to disguise the difficulties of this question. It is one of the most delicate subjects it is possible to conceive; but, at the same time, I believe that everything that has been done has been done with the best desire to promote the interests of these corps and of the service generally; and whatever may be the feelings and sentiments of individuals on the subject, I am convinced in my own mind that the proposition submitted by the Government was one which the Secretary of State for War honestly desires to put forward in the best interests of the Army in general, and without any undue advantage to specific corps.

LORD SANDHURST: My Lords, it is with regret that on this occasion I find myself compelled to adopt a course in opposition to the Government. But the question which is involved is one of so much importance to the Army at large, and is one which so much affects not only the present but the future administration of the Army in most weighty particulars, that I should be wanting in my duty if I were restrained by party allegiance from recording the convictions which I hold in relation to it. My Lords, the question comprehends the consideration of equity in the largest sense on the part of the Government towards a great body of officers in the service of Her Majesty. I entirely agree with what has been said by the illustrious Duke on the cross-benches with regard to the extraordinary difficulties attending the question of the promotion of the officers of the Artillery and Engineers, and the insurance of a due flow of promotion in those corps. I also entirely agree in the necessity of preventing angry feeling between the different corps of Her Majesty's service, and of avoiding causes of heart-burning, disappointment, and irritation. The illustrious Duke has very accurately described what are the feelings of officers with reference to the point of supersession. It has been very truly said that there is no point on which officers feel so acutely—are so sensitive, so touchy. Well, my Lords, if this be so—and there can be no doubt of the truth of it—what is so likely to produce

The Duke of Cambridge

feelings of acerbity and disappointment, and to promote that heart-burning and jealousy between different portions of the service, as a leap-frog exceptional promotion in favour of one portion and to the disadvantage of all the others—a leap-frog process which is entirely at variance with the conditions hitherto understood by officers at large since they entered the Army? It was my lot, when serving in another quarter of the globe, to assist at deliberations with regard to operations of promotion in the Indian Armies of a character somewhat analogous to that under consideration. My voice was, unfortunately, not listened to. I was of opinion that promotion of an exceptional character, with new institutions, should not be adopted—at all events, to affect the existing generation. The warnings which I ventured to utter were unavailing, and the consequence was that a feeling arose in the Armies of India—a feeling which was not confined to the officers in that country only, but which was developed and extended even in England. Thus, we had Committees sitting in London, formed of officers of those Armies, for the purpose of influencing the Legislature and of exercising a direct control over the Executive. Surely I am not wrong in saying that nothing can be more dangerous, nothing more mischievous, nothing more contrary to our constitutional principles, than such a state of things. This state of things was caused by the exceptional system of promotion then adopted. First one set of officers was touched, then another. It was impossible to meet all the claims of different kinds that arose, and it ended at last in concessions being made which very severely taxed the revenues of India. I do not apprehend now any serious consequences of this character; but, still, I say that the forbearance of our officers cannot be a reason for us, if we contemplate what I believe to be an injustice. Let us view this consideration from another point. The rank of major was merged in that of lieutenant colonel in the Royal Artillery, as I understand, a few years after the Peninsular War, in order to give them the advantage of two steps at once, for the purpose of accelerating their promotion. About 15 years ago Government followed suit in this lery, the rank of major being merged in matter in the Indian regiments of Artillery that of lieutenant colonel. This was felt

most keenly in the seniority services of India, as it entailed very serious disadvantages on the officers of the other arms. It actually occurred, when I had the honour of being Commander-in-Chief in the Presidency of Bombay, that the Adjutant General of that Army considered it incumbent on himself to memorialize Government regarding the injury thus done to him. Thus, my Lords, we had the spectacle of an adjutant-general, the representative of discipline, memorializing the Government against what he conceived to be a personal injustice to himself!

Let us now reflect on what is the case under consideration. A great organic reform was carried last year in the face of a strong opposition. That organic reform caused a large body of officers in the Army to lose the advantages which they believed had been secured to them by a great expenditure of money on their part. If you consider the fact that the system then abolished was an old and established one—one which had come to be a part of the habits of this country—one which, though nominally against the law, had the acquiescence of the Legislature and of the highest Executive—if you think of the advantages taken away from the officers who had spent their money, with a view to those advantages, I believe you must admit that there is a large consideration due to them; that a great point of equity is involved before we add to the disadvantages they have already incurred. I, as you know, was an ardent advocate for the abolition of purchase; but I felt that the opponents of that measure had a very strong argument when they said that officers below the rank of lieutenant-colonel had bought the right to purchase onwards, and so, if they could, obtain more rapid promotion. This consideration particularly affects the rank about to be prejudiced by the favour shown to the first captains of Artillery and Engineers; for it was with a view to the ultimate promotion to the rank of lieutenant-colonel that officers in the Cavalry gave from £5,000 to £6,000 for a troop, and officers in the Infantry from £2,000 to £3,000 for a company. Thus, these officers expended large sums of money, not merely for the purpose of exercising subordinate commands, but in order to obtain the right of purchasing onwards to the higher regimental ranks,

VOL. CCXI. [THIRD SERIES.]

and no compensation was afforded them when they lost that great privilege. And now it is proposed to add to the very considerable sacrifice they were then called upon to make. When we are told of the grievances of the Artillery, our informants invariably forget that officers in the Artillery and Engineers receive for their services a fair professional income, which, although their promotion is rather slow, is a great make-weight in their favour, as compared with the position of the officers in the Cavalry and Infantry; for the latter, in reaching the higher regimental rank, have positively hitherto given their services to the country for nothing. Last year the Secretary of State for War declared that the officers of corps, which had been Purchase Corps, but in which purchase was about to be abolished, would in no wise suffer in their future relative position to the rest of the Army. If the measure now proposed be carried into execution, it cannot be said that that pledge will have been redeemed. I say this, because I cannot accept the assertion of the noble Marquess that the amount of supersession involved in the new scheme will be very slight. I have examined the tabular statements referred to by the noble and gallant Lord who brought forward the Motion now under consideration; and, according to those statements, I am able to say that it is shown that a large amount of supersession will be inflicted on the Cavalry and Infantry, not only with regard to the last step of rank, but actually with reference to the number of years which officers have served in the Army. I am not, of course, in a position at present to verify the accuracy of those statements; but I believe them to be correct. At all events, the very difference of opinion which exists between the noble and gallant Lord (Lord Abinger) and the noble Marquess (the Marquess of Lansdowne), in reference to the nature and amount of supersession, forms in itself a very fair and a very sufficient ground for inquiry. The whole question raised by the Motion before the House naturally divides itself into three branches—firstly, there is the consideration of the supersession of officers; secondly, the real interests of the Royal Artillery officers; and, thirdly, the interests of Her Majesty's service, and, therefore, of the State at large. With regard to the

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first point, I need add nothing more; but there is one consideration to which I am bound to invite the attention of your Lordships. Thus, a comparison has been frequently drawn out-of-doors—and it has been repeated in this House to-night—which is eminently in favour of Artillery officers, and in depreciation of officers of Cavalry and Infantry. Now, as I entirely disagree to the propositions thus confidently stated, I propose to join issue upon them, and to subject them to a slight test of argument. It is said that the responsibilities of Artillery officers are greater than those of officers of Cavalry and Infantry of similar rank; that the Artillery officers have charge of horses, and so on, and these are among the reasons adduced for the proposed measure. Now, it often happens in time of war that either but one field officer is left with the regiment or battalion, or none at all. In either case, superior duties of an important character devolve on the senior captains, who thus find themselves in command of either the regiment or of wings of Cavalry or Infantry—that is, of considerable bodies of Her Majesty's troops in the face of an enemy. In the case of a siege, it is a matter of daily occurrence that a captain is in command of trenches with four or five companies under him, with all the heavy responsibilities attendant on such a position. Now, I would ask, are not the duties and responsibilities of a captain, who is thus employed in the trenches—the men who are under him being in close grips with the enemy—of a more important character than the responsibility of a captain of Artillery, who is 1,200 yards in the rear, covering the attack with his fire? Surely, we know something of the qualities requisite in the officer who leads his men in attack “through the imminent deadly breach.” He must be a man of great character and power in every sense of the word. We know something of the value of personal influence in such circumstances, and of what is due to the character, bearing, and conduct of the man to whom the general in command looks on such an occasion. But, again, if we leave the scene of war, and refer to what is called the state of peace, the duties of the two classes of officers again show differences of a similar kind. Does it ever happen that the Artillery or the Engineers are called out in aid of the

Lord Sandhurst

civil Power? This duty, which is of the most difficult and delicate kind, devolves on the officers of the Infantry and Cavalry. When the civil Power and the populace are in conflict, everything depends on the prudence and conduct of the officer in command of the troops whose services have been required. That duty is very generally performed by officers of the rank of captain; and, as I have said, it is difficult to exaggerate its importance, the delicacy of its character, and the personal risk and responsibility which it involves—this being frequently and more especially seen in Ireland. Surely, it is a fair question to ask if duties of this character are to be subordinated to the charge of stores? The noble Marquess referred to the personal responsibility of battery commanders, and to certain orders lately issued for the purpose of giving greater utility to the Artillery arm. But, whilst it is understood that a larger margin is to be allowed to commanders of Artillery, we must not be led to believe that in actions of importance, where Artillery is massed, the duty of placing guns in position will be left to captains of Artillery. The duty of choosing such a position is far too serious to be relegated to an inferior officer. It must be carefully looked to by the lieutenant-colonels of Artillery themselves; and, what is more, no general officer who cares for the safety of the troops under his command and his own reputation would be content to rest the placing of his artillery, without correction, under his own eye. I am not stating any novelties; I am merely describing conduct which must be suggested by the commonest prudence and all experience. In such matters the commander of the *corps d'armées* looks to himself only, and, if possible, will not trust to the eyes or reports of others.

Great stress was laid by the noble Marquess upon certain actuarial calculations. But it is surely difficult to attribute much value to them if they be subjected to even a slight examination. They all refer to facts connected with the Army when it was under the purchase system; but they do not touch upon what the condition of the Army will be when the purchase system having been abolished for some years, promotion comes to rest entirely on the new regulations. I am aware of the pledge given last year by the right hon. Gentleman the Secre-

tary of State for War with reference to the promotion of Line officers, and I was happy to hear that pledge repeated again to-night by the noble Marquess. But it must be understood we are dealing with promises only, and my right hon. Friend the Secretary of State has not in any manner shown how he intends to redeem that pledge. With regard to the question immediately before the House, and the value of the actuarial calculations to the parties concerned, let us take the case of the garrison of Malta, where there are some seven or eight garrison batteries which are commanded at Malta pretty much as a single battalion of Infantry is commanded in the same garrison. Each of these batteries will then come to have a major, who in the ordinary course and friction of garrison duty will supersede all the captains of the Line who were but yesterday the seniors of the new majors. This is surely not likely to conduce very much to harmony and content, and it does seem that the brigade of Artillery at Malta will have a superfluity of field officers. When we say that each brigade, in its existing form, has six field officers, we really very much understate the case; for, as your Lordships are aware, there are a great many situations both in England and in India of an administrative and executive and a manufacturing character. Now, I believe I am right in stating that whenever an officer of whatever rank is removed to one of these situations from the military branch proper he is seconded, and promotion throughout the regiment follows in consequence. Therefore, the Artillery regiment has already many more field officers than are represented by the proportion allotted to the batteries. But let us see how the proportion stands. In the horse brigades of England there are 6 field officers and 8 batteries to a brigade; in the field battery brigades the establishment stands at 6 field officers and 10 batteries. But in India the field officers are more numerous in proportion to the batteries. An Indian horse brigade has 5 batteries and 5 field officers; or, practically, 1 field officer to each battery.

I have alluded to what was done after the Peninsular War with regard to the promotion to lieutenant-colonel. I have had the curiosity to look into *The Army List* of this month, and there I find that the junior lieutenant-colonel of Artillery

is an officer of 24 years' standing. By his late promotion he has not only superseded 60 or 70 captains, but 300 or 400 majors, or whatever their number may be, who lately stood above him, and a vast number of whom must have been far longer in the service than he has been. Now, my Lords, this is an example of a point alluded to by the illustrious Duke (the Duke of Cambridge). This supersession is one to which the Army has been accustomed for a long time, and takes it as a matter of course: it is not resented because it has become a habit; whereas a novelty, involving similar consequences, cannot but cause great discontent, and is resisted accordingly. With reference to the real interests of the Artillery regiment itself, I cannot bring myself to believe that the proposed measure will produce the results aimed at by the Committees of 1867 and 1869. It seems to me that to confer a boon upon a small class of officers does in truth produce the very reverse of what was the object of those Committees—namely, to ensure a certain flow of promotion throughout the regiment. It is a principle of human nature that if you make the position of individuals more important and more comfortable you render them more desirous to stop where they are, which, then, of course, must act as a bar to the promotion of their juniors. I venture to say, then, with all respect to the noble Marquess, that the granting of this boon of promotion to a certain number of officers, or, to use the phrase of the Duke, creating majors out of the present materials, will not answer the object of the Committees. That point has not been made out. If I could bring myself to believe that, under all the circumstances, the object of those Committees would be in any, even in the slightest, degree attained, I should almost be inclined to waive my opinions on the subject, strong as they are. We have, however, no security that such a result would follow. On the contrary, I believe the result will be that the second captains, and the many hundreds of subaltern officers in the Artillery regiment, will be worse off than they were before. I think a strong case may be made out on the part of those Artillery officers, that they are about to be prejudiced in favour of a small class in their own regiment.

We have now to consider whether the

matter as proposed to be arranged is for the general public advantage. We have been told that the country desires the proposed measure. I entirely disagree from the view that this particular Artillery question has been considered by the country at all—indeed, it appears to me to be just one of those subjects of which what is called the country is absolutely ignorant; but I do believe that the public are alive to the necessity of insuring a proper flow of promotion in those regiments, and that the interests of the Army, and therefore of the State, are involved in the same. But I must again ask the question, if this is insured by conferring a particular boon on a small class, as now proposed? But, in truth, after the organic change of last year, what is wanted is a full experience of the facts of the Army after sufficient time shall have elapsed. I think it is a matter to be deplored, when looking at the whole from this point of view, that we should commence tinkering one part of the service before a complete scheme is proposed. As yet, it is impossible for the Secretary of State to judge of the results of his measures, or for your Lordships to be able to give an opinion upon them. For my own part, I should much prefer to see all these matters remain in *statu quo* for three or four years to come. We have had many inquiries into military matters of late years—perhaps it may be thought too many; but, with regard to the particular question before the House, I am certain it is impossible to do justice to it without a most searching investigation of the facts, stated so ably by my noble and gallant Friend opposite, and as to whether the scheme was likely to further the object which the Committees of 1867 and 1869 had in view. For these reasons, I would express my earnest hope that the Government will see fit to accede to the Motion of the noble and gallant Lord opposite.

THE MARQUESS OF RIPON: My Lords, I am afraid it is not possible for me to give my noble and gallant Friend the satisfaction he desires by promising that the Government will advise Her Majesty to issue the Commission. My noble and gallant Friend in some of the last remarks he addressed to your Lordships seemed to be inconsistent with himself and somewhat harsh towards my right hon. Friend the Secretary of

Lord Sandhurst

State for War. My noble and gallant Friend said he would leave all these questions alone, and would not touch the question of retirement at all for three or four years to come, at all events. He complained, also, of my right hon. Friend because he said he had given a pledge which he had taken no measures to enforce. My Lords, the Government has not taken measures to maintain the standard rate of promotion because the time has not arrived to take them. Neither according to the pledge given, nor according to the views of the noble and gallant Lord himself, has the time for taking those measures arrived. The noble and gallant Lord is rather fond of speaking of the pledges which he says have been given. I am well aware of one pledge to which allusion has been made by the noble Marquess behind me (the Marquess of Lansdowne), and which has been renewed to-night on behalf of the Government—namely, that, when the time comes, it would, in the opinion of the Government, be right to take measures for maintaining the standard of promotion. My noble and gallant Friend also alluded vaguely to another pledge given by Mr. Cardwell as to officers in the late Purchase Corps retaining their relative positions in the Army;—now it would have been well if my noble and gallant Friend had given us a quotation from a speech in which such a pledge was embodied—that would only have been right and fair when he charged Mr. Cardwell with having given a pledge which he had not kept. I am a little inclined to think that the noble and gallant Lord has unintentionally confused the supposed pledge to which he has now alluded with that renewed by the Under Secretary to-night—namely, that when it is necessary measures shall be taken to maintain the standard rate of promotion. I do not propose to go into the question raised as to the comparative importance of the position of a captain in the Artillery and one in the Line. It is very undesirable that comparisons of that description, which must necessarily be in their nature somewhat invidious, should be made in this House. I am bound to say I failed to catch the bearing of the main argument by which the noble and gallant Lord (Lord Sandhurst) endeavoured to prove the greater importance, as he appeared to think it, of the position

of a captain in the Infantry or Cavalry over that of a captain in the Artillery or Engineers. Doubtless it is true a man may go into action a captain and come out in command of a battalion; it is possible he may be a lieutenant-colonel when he comes out, or entitled to be promoted to that rank—and so may a captain of Artillery. The noble and gallant Lord said that a captain of Infantry in face of the enemy was in a position of greater importance than a captain of Artillery 1,200 miles in the rear—of course the noble and gallant Lord did not mean that distance, but he said it. I admit that a captain of Infantry before the enemy is in a position of much greater importance and responsibility than a captain of Artillery in the rear; and it may be as truly said that a captain in face of the enemy is in a position of much greater importance and responsibility than a general officer commanding troops at home. There is one thing to be borne in mind, about which there will be no contest whatever, and it is that the present position of the Ordnance Corps in regard to promotion is admitted on all hands to be an unsatisfactory position, and one which ought not to be continued. But this is not a new question. The acknowledged existence of the evil led to the appointment of a Committee in 1867, and its Report was considered by two successive Governments, each of whom, notwithstanding the authority of the Committee, said it was impossible for any Government to adopt the plan it proposed. It was therefore laid aside, and the Government had to consider how they could otherwise provide for promotion in the Ordnance Corps. Whether it is done by the method proposed now by the Secretary of State, or by a measure expediting retirement in the higher ranks, in either case, there must inevitably be a certain amount of supersession. The proposal to stimulate retirement in the lower ranks has been completely disposed of by the noble Lord, who has shown the mischief it would produce to the best interests of the service. The illustrious Duke touched the main point in the question when he told us there was no question upon which officers in the Army were so susceptible as the question of supersession; and, although he said most truly that civilians could not fully appreciate their feelings, I can do so to

some extent, from the connection I have had with the War Office and with the India Office; and I desire to speak of that susceptibility with every consideration and respect. As the illustrious Duke told us, the supersession now complained of results from the new arrangements for the Artillery and the Engineers. The jump from captain to lieutenant-colonel must produce supersession not only of the senior captains of the Line, but also of the majors; and you cannot expedite promotion by retirement without encountering a supersession of that kind. That being so, it is for your Lordships seriously to consider whether you think it desirable to prescribe a mode in which arrangements of this description shall be carried out. That is the practical effect of the vote which your Lordships are about to give on a Motion which distinctly aims at condemning the conclusion at which military authorities have arrived after the fullest consideration. The pledge of the Government is to maintain the standard of promotion laid down by Sir John Pakington; and I cannot admit that in matters of this kind you are to look to individual cases and not to general averages—for such a principle, carried out to any extent, would prevent your making any change whatever in your Army, however much it might be required. This is a question which must be settled one way or another, and I contend that it cannot be settled without some supersession. I cannot conclude these remarks without congratulating the noble and gallant Lord opposite (Lord Abinger) upon the fair manner in which he brought this question forward, and the able and temperate manner in which he discussed it.

EARL DE LA WARR said, that in the correct estimate which had been formed of the amount of direct and immediate supersession which would result from the contemplated measure of the Government, in reference to promotion in the Artillery and Engineers, it had been forgotten that purchase officers—colonels, lieutenant-colonels, and majors—were retiring from the Army at the rate of 64 a-month, that this occasioned a flow of promotion which would last for many years, and that there was no such outlet for promotion in the case of the Artillery and Engineers. There was no occasion to rely on rough conjectural calculations, because quotations had been made that

night from unimpeachable actuarial tables, and these showed that supersessions could endure only for a short time. If those superseded officers were dissatisfied with their lot, let them come to the Purchase Commission Office and they would get their money in a very few days. It was because he believed no injustice would be done that he should support Her Majesty's Government in resisting this Motion; because he saw in their scheme an earnest, for the future, of a just consideration for the privileges, professional interests, and position of the scientific branches of the Army. He hoped their Lordships would not agree to the Motion of the noble Lord, for it had been distinctly proved by the noble Marquess (the Marquess of Lansdowne) that there was no need for inquiry, because in future there would be no just cause of complaint.

THE DUKE OF RICHMOND said, he must confess that if he had not been aware of the distinguished military position of the noble and gallant Earl who had last spoken (Earl De La Warr)—a position to which his gallantry quite entitled him—he should not have gathered that he belonged to the military profession from the speech he had just heard. The noble and gallant Earl had failed to answer a single point advanced by his noble Friend who brought forward this subject. The remarks of the noble and gallant Earl appeared to him to resolve themselves into this—these superseded officers might have injustice to complain of at present, but, inasmuch as they had a pledge from the Government, they had no right to complain, because everything would be set right in a very short time. In the very few remarks he had to make on this important subject, he should endeavour to follow the example set by the illustrious Duke, who had upon this occasion spoken in a manner so well-befitting the position he held at the head of the Army, and the line of conduct he had laid down for himself, and which he always expected the illustrious Duke would pursue. The illustrious Duke appeared carefully to avoid giving an opinion on either side of the question; he rather took on himself the office of a judge who laid before the jury both sides of the case; and if, on the one hand, he admitted that there was some force in the remarks of the noble Mar-

Earl De La Warr

quess (the Marquess of Lansdowne), he also, he thought, admitted that there was equal force in the statement of his noble Friend (Lord Abinger) behind him. He did not think the illustrious Duke committed himself of an opinion of any sort or kind; and, considering the position the illustrious Duke occupied, he was very glad he had not pronounced an opinion on the matter. For himself, what he (the Duke of Richmond) objected to was that the plan of the Government was, according to the statement of the noble Marquess himself, neither one thing nor the other. The noble Marquess treated it as a system of retirement. If it was so, it was a sham system of retirement, because it dealt piecemeal with what ought to be dealt with as a whole. No doubt, in the Scientific Corps promotion had been slow, but the constitution of the Royal Artillery and the rest of the Army was totally different. He did not mean to draw any distinction as to their respective merits, and he was extremely sorry to think that the noble Marquess (the Marquess of Lansdowne) had given the idea of drawing invidious distinctions between the merits of the two branches of the service. In point of fact, the officers of the Army who voluntarily underwent the severe examinations for the Staff College showed that they possessed very high qualifications, while those of the Royal Artillery did not pass any examination after the first. He (the Duke of Richmond) had said that as a scheme of retirement there was nothing in the plan of the Government—and as a means of advancing promotion that was the very thing it would not do; for if the first captains in the Royal Artillery were made majors, the promotion in the junior ranks would not be so rapid. Within six months of the revolution which had occurred in the Army they were beginning at the wrong end—beginning with a small scheme when it ought to be a large and comprehensive one, a scheme which would cause a great deal of heart-burning and unpleasant feeling in other branches of the service; and he did not think it for the benefit of the service that such a scheme should be adopted. He thought the proposal of his noble and gallant Friend behind him (Lord Abinger) was a very fair one. He only asked for inquiry—he did not condemn the system except

so far as to make out a case for inquiry. He (the Duke of Richmond) thought inquiry was necessary; and it should be conducted by a Royal Commission, because the appointment of its Members would rest with the Advisers of Her Majesty, and they might then hope those appointed would come to a conclusion that would give general satisfaction.

THE MARQUESS OF LANSDOWNE wished to say one word in explanation. He hoped he had said nothing that could be interpreted into an attempt to draw any such invidious distinction between the two branches of the service as had been suggested by the noble Duke who had just sat down. He had expressed no opinion with regard to the military bearings of this question. As to the Staff College, officers went to that college for purposes of their own, and that had nothing to do with the question under discussion.

On Question? Their Lordships *divided*: Contents, 42; Not-Contents, 39; Majority, 3.

Motion agreed to.

Ordered, That the said Address be presented to Her Majesty by the Lords with white staves.

House adjourned at a quarter past Eight o'clock, to Thursday next, half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 18th June, 1872.

MINUTES.]—SUPPLY—considered in Committee—Resolutions [June 17] reported—CIVIL SERVICE ESTIMATES.

PUBLIC BILLS—Committee—Education (Scotland) [31]—R.P.

Committee—Report—Review of Justices' Decisions * [190].

Third Reading—Court of Chancery (Funds) * [140]; Customs and Inland Revenue * [106]; Chain Cables and Anchors Act (1871) Suspension * [183], and passed.

The House met at Two of the clock.

IRELAND—MURDER OF MRS. NEILL AT RATHGAR—ALTAR DENUNCIATIONS.

QUESTION.

MR. WHALLEY asked the Chief Secretary for Ireland, Whether the state-

ment in the public journals that Mrs. Neill addressed a letter to the Lord Lieutenant, specifying the priest by whom, and other circumstances connected with the altar denunciation on the Sunday preceding her murder, is true; and, if so, whether any measures were taken in consequence of such communication?

THE MARQUESS OF HARTINGTON, in reply, said, no communication was addressed by Mrs. Neill to the Lord Lieutenant. On the 25th May, however, she wrote to a constable to inquire whether a priest had commented on her proceedings, on Sunday the 19th. That letter was forwarded by the constable to the Irish Government; but it was not received at the Castle till after the murder, which took place on the 27th. As to the alleged denunciation, the facts, as reported by the constabulary, were these—The priest on Sunday the 19th, after celebrating mass, alluded to the eviction of Welsh, and recommended the parishioners to defray the expenses of his case, promising to head the subscription himself with £5, and making arrangements for a collection in the evening. But no subscriptions were received. There was no denunciation either in the priest's chapel, or any other.

EDUCATION (SCOTLAND) BILL—[Bill 31.]

(The Lord Advocate, Mr. Secretary Bruce, Mr. William Edward Forster.)

COMMITTEE. [Progress 14th June.]

Bill considered in Committee.

(In the Committee.)

Clause 65 (Conscience clause.)

DR. LYON PLAYFAIR moved in page 25, line 18, before "secular," insert "elementary." The hon. Member said it was necessary to insert this Amendment, in order to prevent any difficulty which might arise in some of the schools which were open continuously from eight o'clock in the morning till four o'clock in the afternoon.

Amendment agreed to.

MR. ANDERSON moved in line 18, after "day" insert—

"And no religious catechism or religious formula which is distinctive of any particular denomination shall be taught in the school."

The hon. Member said, the question raised was one upon which there was great divergence of opinion in Scotland, but it was one of great importance. He

night from unimpeachable actuarial tables, and these showed that supersessions could endure only for a short time. If those superseded officers were dissatisfied with their lot, let them come to the Purchase Commission Office and they would get their money in a very few days. It was because he believed no injustice would be done that he should support Her Majesty's Government in resisting this Motion; because he saw in their scheme an earnest, for the future, of a just consideration for the privileges, professional interests, and position of the scientific branches of the Army. He hoped their Lordships would not agree to the Motion of the noble Lord, for it had been distinctly proved by the noble Marquess (the Marquess of Lansdowne) that there was no need for inquiry, because in future there would be no just cause of complaint.

THE DUKE OF RICHMOND said, he must confess that if he had not been aware of the distinguished military position of the noble and gallant Earl who had last spoken (Earl De La Warr)—a position to which his gallantry quite entitled him—he should not have gathered that he belonged to the military profession from the speech he had just heard. The noble and gallant Earl had failed to answer a single point advanced by his noble Friend who brought forward this subject. The remarks of the noble and gallant Earl appeared to him to resolve themselves into this—these superseded officers might have injustice to complain of at present, but, inasmuch as they had a pledge from the Government, they had no right to complain, because everything would be set right in a very short time. In the very few remarks he had to make on this important subject, he should endeavour to follow the example set by the illustrious Duke, who had upon this occasion spoken in a manner so well-befitting the position he held at the head of the Army, and the line of conduct he had laid down for himself, and which he always expected the illustrious Duke would pursue. The illustrious Duke appeared carefully to avoid giving an opinion on either side of the question; he rather took on himself the office of a judge who laid before the jury both sides of the case; and if, on the one hand, he admitted that there was some force in the remarks of the noble Mar-

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MR. WHALLEY asked the Chief Secretary for Ireland, Whether the state-

ment in the public journals that Mrs. Neill addressed a letter to the Lord Lieutenant, specifying the priest by whom, and other circumstances connected with the altar denunciation on the Sunday preceding her murder, is true; and, if so, whether any measures were taken in consequence of such communication?

THE MARQUESS OF HARTINGTON, in reply, said, no communication was addressed by Mrs. Neill to the Lord Lieutenant. On the 25th May, however, she wrote to a constable to inquire whether a priest had commented on her proceedings, on Sunday the 19th. That letter was forwarded by the constable to the Irish Government; but it was not received at the Castle till after the murder, which took place on the 27th. As to the alleged denunciation, the facts, as reported by the constabulary, were these—The priest on Sunday the 19th, after celebrating mass, alluded to the eviction of Welsh, and recommended the parishioners to defray the expenses of his case, promising to head the subscription himself with £5, and making arrangements for a collection in the evening. But no subscriptions were received. There was no denunciation either in the priest's chapel, or any other.

EDUCATION (SCOTLAND) BILL.—[Bill 81.]

(The Lord Advocate, Mr. Secretary Bruce, Mr. William Edward Forster.)

COMMITTEE. [Progress 14th June.]

Bill *considered* in Committee.

(In the Committee.)

Clause 65 (Conscience clause.)

DR. LYON PLAYFAIR moved in page 25, line 18, before "secular," insert "elementary." The hon. Member said it was necessary to insert this Amendment, in order to prevent any difficulty which might arise in some of the schools which were open continuously from eight o'clock in the morning till four o'clock in the afternoon.

Amendment agreed to.

MR. ANDERSON moved in line 18, after "day" insert—

"And no religious catechism or religious formula which is distinctive of any particular denomination shall be taught in the school."

The hon. Member said, the question raised was one upon which there was great divergence of opinion in Scotland, but it was one of great importance. He

desired to render the Conscience Clause in the Scotch Act like that in the English Act, from which he had copied the words of his Amendment. One reason why that proposal was even more necessary in the Scotch than in the English Act was, that in Scotland the Act would be more generally compulsory, and therefore the rights of minorities ought to be more strictly protected. It was true the three great Presbyterian bodies desired that the Shorter Catechism should be taught in the schools; but the Episcopalians, Roman Catholics, Jews, Unitarians, and others formed, in the aggregate, a large minority, whose conscientious scruples ought to be regarded and protected from assault. It might be said that the children of parents who did not desire the religious teaching might withdraw during its progress; but though they did, a portion of their school fees would be appropriated to the payment of the teacher, and so another question of conscience would be raised. It was not enough that a clause in the Act affirmed that the Privy Council Grant was not given on religious instruction. That grant formed part of the general emoluments of the teacher, and if a school board could require the teacher to teach religion nominally for nothing, it became part of the work for which he received his emoluments, and was, practically, State-paid religious instruction. He would like to ask hon. Members what they would do next year in the case of Ireland, if they now allowed the Shorter Catechism to be taught in the school-board schools of Scotland? Some hon. Friends of his, no doubt, had pleasant recollections of the Shorter Catechism in their youth, and he would ask them, and other hon. Members who earnestly desired to see the Scotch grow up a religious people, whether to place the Shorter Catechism in the hands of people too young to understand it, was not likely to create a feeling of disgust and aversion against all religious education? He had no wish to proscribe religious teaching at proper times and places, whether by means of the Shorter Catechism or any other book; but he objected to its being so taught in the public schools by State-paid and rate-paid teachers.

Amendment proposed,

In page 25, line 18, after the word "day," to insert the words "and no religious catechism or

Mr. Anderson

religious formulary which is distinctive of any particular denomination shall be taught in any public school."—(*Mr. Anderson.*)

Question proposed, "That those words be there inserted."

THE LORD ADVOCATE said, he thought, after the discussions which had taken place upon this question, there remained nothing new to be said with regard to it. The principle of the measure, to which he meant to adhere, was that, subject to the provisions of a Conscience Clause, the terms of which had been substantially adjusted, the matter of religious teaching was one which should be left to the people themselves, and that the statute should neither prescribe nor proscribe anything upon the subject. This provision to exclude all catechisms, creeds, and formularies was inconsistent with the principle which he had endeavoured to state. He should only like to observe further, that there was a manifest distinction in this matter between the cases of England and of Scotland. About 86 per cent of the people of Scotland were Presbyterians, and however much they might differ upon subjects of more or less importance, they generally agreed as to the religious education they desired for their children; and, therefore, by a statutory proscription of the Catechism, in which they were generally agreed, from the schools, a large number of the parents would be prevented sending their children to the schools. If he knew the people of Scotland aright, he knew that nothing could give a greater impulse to the life and vitality of the Catechism than its proscription by a clause in the Scotch Education Bill.

MR. GRAHAM said, he thought the hon. Gentleman had not really stated the bearing of his Amendment. The effect of the Amendment would be to exclude the Catechism not only from the rate-paid schools, but in the denominational schools also. He believed the Shorter Catechism to be valuable not only as an instrument of religious instruction, but as an instrument of mental cultivation; but he could not on that ground think of introducing it by Act of Parliament in the rate-aided schools. Parliament had no right to meddle with the question of religious teaching; and he thought it was with great wisdom that the Government proposed to relegate the question to the people of Scotland,

who would have sufficient toleration and good sense not to abuse the power if it was conferred upon them.

MR. GRIEVE said, he thought prescription would be exceedingly wrong, and he entirely opposed the Amendment.

SIR ROBERT ANSTRUTHER suggested to the hon. Member for Glasgow (Mr. Anderson), who he believed wished to apply his Amendment only to public schools, the desirableness of inserting the word "public" before "schools" in his Amendment, on which he hoped a division would be taken. He should like to hear the Vice President of the Council upon this Amendment, which was copied from his own Act. He, for one, objected to the extraordinary way in which the English Act was quoted or left untouched in these discussions, just as might be most convenient to the supporters of the Bill. Now, for the first time, the ratepayers were called upon to support the schools, which had hitherto been done by the heritors, and therefore it was the more important that protection should be afforded to the consciences of the minority among the ratepayers. To teach the Shorter Catechism at the public expense would be to violate the rights of conscience. It might be said that the schoolmasters would be able from the Bible to give the same teaching that was given by means of the Catechism; but whether that was or was not the case, they desired Parliament to pronounce an opinion in favour of rendering religious teaching as comprehensive as possible, and against purely dogmatic teaching.

MR. ANDERSON said, he was willing to accept the suggestion of the hon. Baronet.

MR. W. E. FORSTER denied that it was proposed by the Bill to make the teaching of the Shorter Catechism compulsory. It would be no more compulsory than the reading of the Bible. People who objected to have their children taught the Shorter Catechism would make use of the Conscience Clause. He entirely denied the hon. Baronet's insinuation that the Government had played fast and loose with the English Act in these discussions. They had always stated that the circumstances of Scotland and England were different, and that the educational position and the feelings of the two countries must be taken into consideration. When, in the English

Bill, they proposed to exclude the Catechism, they did it on this ground—that it was a question of new schools which at first would be in a minority. The religious differences in England were great; there were large numbers on each side; and therefore it was thought advisable to exclude from the schools the teaching of the catechism of any particular sect. But in Scotland they were not introducing a comparatively small number of schools, but were about to change the position of the old and existing schools of a people who had few differences of religious opinions. In every parish school the Shorter Catechism was taught, and the effect of his hon. Friend's (Mr. Anderson's) Amendment would be to alter the mode of teaching, and oblige them to exclude the Shorter Catechism. That appeared to be a violent and unnecessary change.

VISCOUNT SANDON said, that the Government, to his utter astonishment, had reduced the religious teaching in the Scotch schools to a minimum, and religious instruction was now to be given for a very short time at the beginning of the day. Hitherto, the Shorter Catechism had been taught, and it would be a point of honour to teach it rather than the Bible the whole of the time that would be devoted to religious instruction. Now, believing that it would be wholesome and better that the time which had been curtailed by the action of the Government should be given to the teaching of the Bible, he thought the Committee would best promote the religious teaching of the Scotch children if they accepted the Amendment of the hon. Member for Glasgow (Mr. Anderson).

MR. W. E. FORSTER said, from what he had heard of the action of the Scotch schools—and it had been confirmed by what he had seen in the two largest schools of Edinburgh—ample time would be given to religious instruction.

Amendment, by leave, *withdrawn*.

Then Amendment proposed—

"And no religious catechism or religious formula which is distinctive of any particular denomination shall be taught in public schools."

SIR EDWARD COLEBROOKE said, he thought the effect of the proposal as amended would simply be to give a great impetus to denominational education,

because it would outrage the feelings of the people of Scotland who were much attached to the Shorter Catechism.

MR. DIXON wished to call attention to the probable effect of the rejection of this Amendment. When discussing the English Act of 1870, it was urged that the result of passing a clause similar in spirit to the Amendment under discussion would be to render the teaching of an undenominational character. The effect of what was actually done, however, was to cause the school board to adopt a system of religious education suitable to the comprehension of the children to be taught. If the Amendment was rejected, the English school boards would be disposed to ask why they should act in a different manner from the Scotch boards, who would have the power to order the teaching of the Shorter Catechism in the board schools. If they gave the Scotch greater power over religious education than the English, they must give to the Irish still more power, because the Irish wanted more; and no doubt the Government would come to Parliament next year to say that in 1872 they had consulted the feelings of the Scotch people on the religious question, and in the same way they must consult the people of Ireland. The Government would base their Bill for Ireland on the same principle that they had adopted for Scotland. It was for this reason that he protested against any such principle, and it was a most dangerous one for the House to adopt.

SIR STAFFORD NORTHCOTE said, he did not see how the proposed principle in the Scotch Bill was to be reconciled with the English Bill of 1870, because at the time of the passing of that Act there was a strong feeling in favour of liberty in respect of English formularies which had been denied them, but which the Government were going to grant to Scotland. He confessed to be a little jealous if Scotland was to be better off than England in this respect; but he thought they should be acting wrongly if they allowed that feeling to lead them to deny that liberty which they had claimed for themselves originally, but which they had not got. It might be said that they ought not to interfere with the conscientious scruples of those people who objected to formularies, and that it was better that they should be taught the Bible. That might

be a good argument for its adoption in England; but it would be a mistake to lay down the same principle for Scotland. He took up the proposition of the hon. Member for Birmingham (Mr. Dixon), who did not see why formularies should not be considered applicable to England. He (Sir Stafford Northcote) did not see either why it should not be applicable, only it was too late. With regard to Ireland the hon. Gentleman (Mr. Dixon) need not fear, because they had been repeatedly told by the Prime Minister that it was not intended to deal with primary education in Ireland. It was because he considered the principle of the Bill of 1870 the safest that he opposed the Amendment of the hon. Member for Glasgow (Mr. Anderson).

MR. C. S. PARKER opposed the Amendment as being contrary to the principle of the Bill. It would alienate much of the support which was given to the Bill in Scotland, and lead to practical difficulties in the working of the Bill. He thought the House was agreed that in legislating for Scotland they were to have some regard for the religious feeling of Scotland; but they had had the unblushing avowal of the hon. Member for Birmingham (Mr. Dixon) that no regard should be paid to their feelings. No one who knew Scotland would doubt that the effect of the Amendment would be to uproot the old traditional system that had been adopted in almost all the schools of Scotland. For this reason, he gave his most strenuous opposition to the Amendment.

MR. CRAUFURD maintained that the Amendment was not inconsistent with the principle of the Bill, which said that the State had nothing to do with religious teaching, leaving that to the parents and the Churches. The Amendment proposed to carry out that principle by saying that the school buildings supported by the public money should not be used for religious dogmatic teaching, but that it should be left in the hands of the parents and the ministers to provide it. How were they to be consistent if the money contributed from the rates and the public funds was to go for the teaching of dogmas in the schools? He saw no reason for applying the ratepayers' money in this way, and he denied that there was any difference of feeling in Scotland such as had been represented, and in proof of that

Sir Edward Colebrooke

he referred to a division which took place lately to ascertain the feelings of the Scotch Members on this subject.

MR. GORDON agreed that the Government had shown great inconsistency in this matter, because they followed the English Bill when it suited them, and rejected it when it did not suit them. In England, the Government had established a new system. In Scotland they had to deal with an ancient system which had given universal satisfaction, and it was by departing from this old system, instead of supplementing it, that the Government had involved themselves in these inconsistencies. He should certainly oppose the Amendment of the hon. Member for Glasgow (Mr. Anderson).

MR. C. REED said, he hoped that as he did not often intrude upon the time of the House he might be allowed to say a few words upon the present subject, and more especially so as there was a more serious consideration in connection with it than had yet been raised. It should be remembered that, if the Amendment were rejected, it would seriously endanger the English Act which was now in operation. He perfectly agreed with what had been stated by the noble Lord the Member for Liverpool (Viscount Sandon); and the London School Board had adopted the course of proceeding to which the noble Lord had referred—namely, to give simple Bible instruction without any dogmatic teaching. They would do wisely, in his opinion, to adopt the Amendment, as its rejection might in the course of a few years cause to be broken up what otherwise might prove to be a national system of education throughout the Empire.

Question put.

The Committee *divided*:—Ayes 130; Noes 250: Majority 120.

MR. M'LAREN moved, in line 21, at end of clause, add—

“Provided, That when religious instruction shall be given, the reading and teaching of the Bible shall form part of such instruction.”

It might be objected to his Amendment that most of the school boards would teach the Bible whether they were required to do it or not. He at once admitted that, but it did not make it the less necessary that he should move this Amendment. It was undeniable that the teaching of the Bible was understood,

and was in fact required in Scotland—the old Acts were full of expressions about religious teaching. He thought, therefore, that that was the most fitting opportunity for providing for the religious teaching of the Bible, and it ought not to be neglected. Hon. Members would observe that four hours of secular instruction were imperatively required, and that, either before or after that, religious instruction might be given. It was permitted only, but was not required; but his Amendment said, if the permissive power should be exercised, it should be so exercised that part of the instruction should be from the Bible. An argument in favour of the teaching of the Bible had not been mentioned, and it was this—that the evidence of a child who did not know the nature of an oath was not taken in criminal proceedings. Was it not the interest of the State to acquaint the child with the judgments of the Almighty and of the consequences attached to telling the true or the untrue? As they had rejected the Amendment of the hon. Member for Glasgow, he thought the Government, in order to be consistent, must support his Amendment.

Amendment proposed,

At the end of the Clause, to add the words “Provided, That when religious instruction shall be given in any public school, the reading and teaching of the Bible shall form part of such instruction.”—(Mr. M'Laren.)

Question proposed, “That those words be there added.”

THE LORD ADVOCATE trusted the Committee would not enter into the consideration of the Amendment, on the assumption that there was nothing whatever requiring or forbidding instruction in religion and religious observances by giving in schools the protection of the Conscience Clause to those who chose to send their children there. The Amendment now proposed was to enact that if there should be any teaching of religion in the public schools, the reading and teaching of the Bible should form part of it. That was to be a positive enactment, without any reference to the nature of the school, or to the age of the children, or the particular purpose for which the public school was endowed, or the instruction more suitable for the minds of the youth attending such schools; nevertheless they must, under pain of violating the Act of Parliament, teach

them to read the Bible. Why should not this matter be left to the managers of the schools? Why should this be ordered by the statute on penalty of violating its provisions? He was quite aware that in all ordinary schools in Scotland the Bible would be read as a rule, nay, without an exception. It was at present so read without any statutory provision, and a statutory provision could hardly make its reading more universal than it was at present. Without such enactment, as a general rule, the Shorter Catechism was taught too; but that they had declined to make imperative. This Amendment seemed to him to be very different to that which was proposed by the hon. Gentleman only last week; because the Amendment last week was that instruction in the Bible should be the only religious teaching, but now it was to be only a part of the religious teaching, and there was to be some other instruction in religion to be given. The teaching of the Bible was not to be the whole. That was the plain meaning of it. He hoped his hon. Friend would not press this Amendment, because, as the clause now stood, there was no restriction on the liberty of reading or teaching the Bible.

MR. GRAHAM said, he hoped that the hon. Member would not press his Amendment, because in his view nothing could be more inexpedient. He trusted the time would never come when the Bible would be taught in Scotland simply because there was a provision to that effect in the Act of Parliament. He would far rather leave it to the Christian feeling of the people of Scotland.

Question put.

The Committee *divided*:—Ayes 130; Noes 189: Majority 59.

MR. CRUM-EWING moved, at end of clause, to add—"All payments for instruction in religious subjects shall be defrayed out of funds voluntarily provided." The hon. Gentleman said, that had the Amendment of his hon. Friend the Member for Glasgow (Mr. Anderson) been agreed to, he might not have considered it necessary to move the one of which he had given Notice; but that Amendment having been negatived, he must now do so. The Scotch Bill, as regarded the religious difficulty, stood in a different position from the English Act.

The Lord Advocate

In that Act the use of any religious catechism or religious formulary which was distinctive of any particular denomination was distinctly prohibited. But by the Bill now under consideration the school boards in Scotland would have the power to introduce any dogmatic teaching of which the majority of the board might approve. On that he would make no remark, as that part of the clause had passed; but he wished the right hon. Gentleman the Vice President of the Privy Council had exerted his influence with the Lord Advocate to get him to assimilate the two Bills in this respect. He had prepared the Amendment which he was about to move with the view of rendering that part of the Bill less obnoxious to a very large portion of the community of Scotland as well as of England, who conscientiously held that the State went beyond its legitimate province when it did more than provide means of giving secular instruction. His Amendment was, that all instruction in religious subjects should be paid for out of the funds voluntarily provided; and he could not see how his right hon. and learned Friend the Lord Advocate, as the representative of a Government which so lately refused to endow all sects in Ireland, could, with any regard to consistency, refuse to accept it. It would be out of place to go into any length of argument on the duty of the State in matters of religion; but he would take the liberty to make a few practical remarks on the subject now before the Committee. They might with certainty infer that the kind of religion which would be taught in the respective schools under the Bill would be according to the distinctive forms of the particular denomination to which the majority of the school board might belong—that where the majority were Presbyterians the Shorter Catechism would be taught, and if in any parish the Roman Catholics should predominate, there the formularies of that religion would be used. Well, if the Bill was allowed to remain so as to provide for teaching all religions out of State funds, he would ask what was that but the very scheme of concurrent endowment which the present Government, when in Opposition, so distinctly repudiated when proposed by hon. Gentlemen opposite. The Bill, it was true, provided that parents might withdraw their children from attendance

when religious teaching or observances were going on; but if such religious instruction was to be paid for at the public expense—if not only money from the Imperial Treasury to which all contributed, but the money which was more directly paid as a special educational rate was to be used for what they did not approve—the most flagrant injustice would be inflicted, and if persisted in, they might expect a renewal of that dissatisfaction and resistance which was manifested in regard to church rates in England, and the annuity tax in Edinburgh, both of which they were compelled to abolish. If it be right to exempt children from such attendance, it surely could not be right to cause parents to pay for that from which they derived no benefit. The Roman Catholic minority in Scotland would, by the Bill as it now stood, be called on to contribute towards the teaching of the Presbyterian religion. Now, he for one, whatever he might have done in the way of contribution to other denominations as an individual, would vote against any measure that might have the effect of providing by legislative enactment for teaching Roman Catholicism or any other religion in Ireland or elsewhere, and he was not prepared to ask Roman Catholics to do for his religion what he would not do for them. But while desirous of keeping our hands clear of anything like State interference with religion, he was most anxious—indeed, considered it a matter of the highest importance—that where the inhabitants of a district wished their children to receive religious instruction, there should be no obstacle in the way of their making such teaching continuous with the assembling of the children for their secular instruction, provided always that they paid for it themselves. Feeling as he did that religion should permeate all teaching, he should have preferred that no distinction were made between secular and religious instruction; but under a Government Bill that was impossible with a due regard to varying religious convictions, and he must offer his decided opposition to such a system. As regarded the payment for religious instruction by voluntary means contemplated by his Amendment, there was nothing to be apprehended. He had no fear but the great bulk of the parents would be willing to pay for the religious instruction of their

children, and where any were unable to do so, that the small amount required in the case would be easily made up in a country like Scotland where two-thirds of the people, of their own free will, and with their own means, had erected churches and manses, and provided for the maintenance of their clergy. He believed that what he proposed was in accordance with the conscientious opinions of a large portion of the people of Scotland, and of England too. It was held by many in the Free Church, and by not a few in the Established Church; while the following brief extract from a Petition which he had the honour to present from the Synod of the United Presbyterian Church showed that they were unanimous. They said—

“Your petitioners are strongly of opinion that it should be enacted that the local rates as well as the public grants should be applied only to the teaching of the secular branches of education in the national schools; that grants to denominational schools should be withdrawn.”

One word more as to Ireland. They must soon come to deal with the question of Irish education, and how were they prepared to do with that? Were they prepared to repeal the present national system of education and substitute a denominational one? He (Mr. Crum-Ewing) rather thought they were not; but if they enacted laws by which the State was to pay for religion in Scotland, how could they refuse the same thing to Ireland? He considered that, unless they were prepared to make such a thorough change in the whole system in Ireland, they were shut up to the adoption of such an Amendment as the one he proposed; and, if they did so, they could then mete out equal justice to both countries and to all religions.

Amendment proposed,

At the end of the Clause, to add the words “all payments for instruction in religious subjects shall be defrayed out of funds voluntarily provided.”—(Mr. Crum-Ewing.)

Question proposed, “That those words be there added.”

SIR DAVID WEDDERBURN observed that not only were there the Roman Catholics resident in Scotland, but many Protestant Dissenters—such as the Evangelical Union and others—who objected to the teaching of religious dogmas in the public schools, and he could not see with what justice they

ought to be taxed for the promotion of the views of the minority. The minority, indeed, ought to withdraw their children from the schools. If they adopted the Amendment of the hon. Member for Paisley (Mr. Crum-Ewing), it would be the nearest approach they could make to a system of united religious and secular instruction, and to the solving of the religious difficulty.

THE LORD ADVOCATE said, that he had only one or two words to say on the subject. In regard to the principle enunciated by his hon. Friend the Member for Paisley, that the public money ought not to be paid for teaching religion, he agreed generally; but with reference to the public schools, he thought his hon. Friend would concur with him that it was impossible to carry out that principle with perfect integrity, without absolutely excluding the teaching of religion altogether from those schools—that was to say, from all buildings provided at the public expense. No doubt, it would be very advisable to allow all children to receive religious instruction at the expense of the parents alone; but it would be attended with the difficulty he had formerly pointed out arising from the habits and feelings of the people of Scotland. As a matter of practical utility, they were, he thought, quite prepared to make small sacrifices of infinitesimal points to secure a great good. With respect to the fees, they would be paid by those who attended, so that the voluntary principle contended for by his hon. Friend would be operative to that extent. He did not think that it would be wise to tell the people of Scotland that their children could only be permitted to receive religious instruction in the public schools by their paying something more than what they would otherwise have to pay or the schoolmasters to receive.

MR. MACFIE wished to know whether his hon. Friend would accept the following Amendment of his proposal—

“That no payment for instruction in religious subjects should be defrayed out of the funds provided or sanctioned by this Act?”

If he would not accept this suggestion, he should be obliged to go into the Lobby against him.

MR. CRUM-EWING said, he could not accept what the hon. Member for Leith proposed, and if the hon. Gentleman walked into the Lobby against him,

Sir David Wedderburn

he would be as consistent as he had hitherto been.

MR. RICHARD supported the Amendment, which was of a character similar to that which he had endeavoured to introduce into the English Education Act. The phrase “religious instruction” was used with great vagueness. Hon. Gentlemen opposite used the phrase as if it represented a meaning in which they were all agreed; but that he very much doubted. What they were now asked to do was to sanction religious instruction in accordance with the Presbyterian faith; and the right hon. Gentleman wished members of all religions to join in that. Was he prepared to vote for the carrying out of that principle in the case of Roman Catholics? If not, he was inconsistent. He supported the Amendment as affording the only escape from all difficulties—the separation of secular from religious instruction. The Amendment was in harmony with the principle advocated by the late Lord Derby when introducing the Irish National School system, and with the views of Dr. Chalmers.

Question put.

The Committee *divided*:—Ayes 85; Noes 230: Majority 145.

Clause, as amended, *agreed to*.

House *resumed*.

Committee report Progress; to sit again upon *Thursday*.

And it being now Seven of the clock the House suspended its Sitting.

The House resumed its Sitting at Nine of the clock.

BUSINESS OF THE HOUSE—(LORDS' BILLS).—RESOLUTION.

MR. MONK rose to move—

“That when any Bill shall be brought from the House of Lords the Questions ‘That this Bill be now read a first time,’ and ‘That this Bill be printed,’ shall be put by Mr. Speaker as soon as conveniently may be, and shall be decided without Amendment or Debate, and when any such Bill shall have remained upon the Table for twelve sitting days without any honourable Member proposing a day for the Second Reading thereof, such Bill shall not be proceeded with in the same Session.”

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at a quarter after Nine o'clock.

HOUSE OF COMMONS,

Wednesday, 19th June, 1872.

MINUTES.]—PUBLIC BILLS—*Second Reading*—*Bastardy Laws Amendment** [109]; *Imprisonment for Debt Abolition** [156], *put off*.
Committee—*Report*—Public Prosecutors [28-203].

Considered as amended — Sites for Places of Worship and Schools* [2].

Third Reading—Review of Justices' Decisions* [190], and *passed*.

Withdrawn — County Courts (Small Debts) (No. 2)* [121].

PARLIAMENT—ORDER AND PRACTICE
—COUNTS OUT.—OBSERVATIONS.

MR. NEWDEGATE: Sir, I am about to adopt a course which is only resorted to when something unusual has occurred in the Business of this House. Yesterday, when the House resumed at 9 o'clock, and the Business had recommenced, the hon. Member for the Denbigh Boroughs (Mr. Watkin Williams) at two minutes and a-half past 9 o'clock, called your attention to the fact that there were not 40 Members in the House. At exactly 5 minutes past 9 you counted, and there were only 32 Members present. On yesterday week, and on the preceding Tuesday the same thing occurred. This is a matter that has attracted the attention of the Committee of this House on Public Business, and who unanimously passed a Resolution to the effect that if any hon. Member should call your attention to the fact that if there were not 40 Members present at 9 o'clock, or soon after, you should not count the House until a quarter past 9 o'clock. Now, I observe, that, on the Journal of the House, which is the record of our proceedings, it is entered that you, Sir, counted the House at a quarter past 9 o'clock yesterday; but it happened that the hon. Member for Bury St. Edmunds (Mr. Hardcastle) was sitting next to me at that time and I called his attention to the exact time when the hon. Member for Exeter (Mr. Bowring) was counted out. The Committee on Public Business unanimously came to the conclusion that the counting of the House so soon after it resumed, was taking an unfair advantage of the general body of the Members of this House; because it is impossible, considering the difference of time according to different clocks and watches,

that hon. Members should be in their places here precisely at the moment that this clock points to 9 o'clock. The right hon. Gentleman the Chancellor of the Exchequer has given Notice, as Chairman of the Committee on Public Business, of a Resolution of that Committee. I shall, therefore, to-morrow, ask the right hon. Gentleman whether he will not propose to the House to give effect to the Resolution of the Committee, and that I shall also move that, when an hon. Member calls your attention to the fact that there are not 40 Members in their places, the name of the hon. Member shall be taken down by the Clerk at the Table before you, Sir, proceed to count the House.

MR. SPEAKER: There being no Question before the House, and no Motion having been made by the hon. Member, the observations he has made are quite out of Order.

MR. NEWDEGATE said, he had inadvertently omitted to do so, but would then move the adjournment of the House.

MR. SPEAKER said, it could not then be done, as he had directed the Clerk at the Table to proceed with the Orders of the Day.

PUBLIC PROSECUTORS BILL—[BILL 28.]
(*Mr. Spencer Walpole, Mr. Russell Gurney, Mr. Eykyn, Mr. Rathbone.*)

COMMITTEE.

Bill considered in Committee.

(In the Committee.)

MR. SCLATER-BOOTH said, that under the very peculiar circumstances of this Bill, it was impossible to say who was the promoter. He was not then about to discuss the question whether public prosecutors should or should not be appointed, but to call attention to the state of things before the House. The measure was introduced by a private Member (the right hon. and learned Recorder for London) early in the Session, and it was read a second time under protest for the accommodation of the right hon. and learned Gentleman who was at the time in America, and with the understanding that the discussion should be taken on going into Committee. The Home Secretary in the meantime, however, had given Notice of a number of Amendments entirely altering the whole construction of the Bill;

and in some respects they removed objections that existed to the establishment of public prosecutors. With regard to the expense that would be brought upon the Imperial Exchequer, he estimated that it would amount in salaries alone to a sum of £50,000 or £60,000 per annum, while the costs of prosecutions would very probably be likewise increased. It would be impossible then to enter into a discussion of the Bill, and the best course to be pursued would be to go into Committee *pro forma*, and introduce the Amendments, and then that the right hon. and learned Gentleman should resign the further conduct of the Bill to the Government. Two matters had been rather unfairly introduced into the Government Amendments, that would require explanation—namely, placing the cost of all prosecutions on the Imperial Exchequer, contingently on adoption of the Act by local authorities, while the adoption of the Act was left optional. He wished also to know if on the passing of the Bill, the establishment in Spring Gardens would be abolished. The Government had also introduced into the Bill, a clause for the payment of clerks of the peace by salary instead of fees, while there was another Bill before the House dealing with those officers in the same manner. He wanted to know on which of the two Bills the Government intended to rely? It was a very unusual and extraordinary proceeding to have a clause in two separate Bills to effect the same object in the same Session of Parliament, and both Bills promoted by private Members.

Mr. WEST, who had given Notice of his intention to move that the House should go into Committee on the Bill on that day three months, said that the objectors to the Bill were placed in a position of great difficulty with regard to the Bill, in consequence of the course which Her Majesty's Government had thought fit to take in respect to it. One of the principal objections which had been taken to the measure, was the great expense which it was urged the Bill would entail upon the public; but down to the present time no information as to the probable cost to the public of the appointment of public prosecutors had been laid before the House, the right hon. Gentleman at the head of the Home Office having declined to produce

the result of an investigation that had been instituted into the subject, on the ground that it was a confidential communication. On Saturday last a list of the Amendments proposed by the Government was placed in the hands of hon. Members, and he regretted that neither of the Law Officers of the Crown was present to give the House some explanation of those Amendments, which were of so extraordinary a character as to give rise to the suspicion that they had been extracted from the pages of a comic journal. In fact, those who had come down to oppose the Public Prosecutors Bill as it was read a second time now found that it had ceased to exist, for the Amendments proposed by the right hon. Gentleman the Secretary of State for the Home Department had swept away the whole of the first and second pages of the Bill; while only one line of the original Bill was left in the third page, and so on to the end of the chapter; and in short, it would be found that so far from its being a Public Prosecutors Bill, it would deal with entirely different subjects. Perhaps the House would be surprised to hear that by these Amendments the right hon. Gentleman would be empowered, without consultation with the Lord Chancellor or any one of Her Majesty's Judges, to alter the whole criminal law of the land, and to have the supreme direction of such trifles as trial by jury, writs of error, questions of law to be reserved, proceedings before Justices, or other criminal proceedings which public prosecutors were or were not to institute. [Mr. BARCE explained that the law upon those points was not to be altered.] Under those circumstances, he must confess that his understanding was not sufficiently lofty to enable him to comprehend the meaning of these Amendments. He objected to give such power to the Home Secretary as would enable him at his own will and pleasure to alter our whole criminal law, and without at that moment making the Motion of which he had given Notice, that the House should go into Committee on the Bill that day three months, he left the matter in the hands of the House, and would take whatever course they might think would be the best under the circumstances.

Mr. SPENCER WALPOLE said, that the former opposition to the Bill appeared to be confined to two ques-

Mr. Selater-Booth

tions, one of which was whether the appointment of a public prosecutor should be limited to the metropolitan district; and the other, whether the Secretary of State should be empowered to divide the country into districts for similar appointments, wherever the justices or town councils concurred in the arrangement. These objections had been considered by the Government, as well as by his right hon. and learned Friend the Recorder, and the other hon. Members whose names appeared on the back of the Bill; and, to speak the plain truth, he regarded the compulsory appointment of such an officer for the Central Criminal Court district as a wise alteration in the measure. With respect to the other question, affecting the rest of the country, he had as little doubt as on the first one, and he could only repeat what he said on the second reading, that it was really a disgrace—and he used the word advisedly—that England was the only country in the world where prosecutions for crime should mostly be left at the mercy of private individuals, who might or might not proceed with them as they thought fit. In his opinion, therefore, it was a matter of great importance that they should ascertain how far they were agreed in carrying out the principle of appointing public prosecutors. As to the two main objections which were urged against the Bill, he thought the Amendments intended to be moved by the Government would deal wisely with those parts of the Bill to which those objections applied. He hoped the result of this discussion would show that the House wished, in the first place, that public prosecutors should be confined to the Central Criminal Court; and, in the second place, that an opportunity should be given for the appointment of a public prosecutor in any provincial district where such an appointment might be desired by the local authorities. The Bill might be regarded as divisible into two parts—one relating to the appointment of public prosecutors, and the other relating to the mode in which the expenses of prosecutions should hereafter be paid. Excepting as to the mode in which it was now proposed to defray those expenses, he denied that the Bill was entirely new as compared with its original form. However, the question before the House might be said to be, whether they were in a position to go

into Committee to consider that part of the Bill which remained practically the same, for he never would press upon the attention of the House anything which they had not had a fair opportunity of examining. His anxiety that the Bill should be proceeded with arose from the fear that, as it was the measure of private Members, and not of the Government, they would have no other day on which to consider even that part of the Bill which was quite familiar to everybody in the House. The Bill was an important one, and as it was desirable that it should not be postponed, through unnecessary delay, to another Session, he therefore hoped the House would see the propriety of going into Committee for considering the first portion of the Bill.

MR. BOUVERIE said, his right hon. Friend who had just spoken had had a long experience in that House, and had also had experience in the Home Department, and he would ask him whether it was in his recollection that with regard to so important a measure as that such a course had ever been taken as had been taken with respect to that Bill? His right hon. and learned Friend the Recorder had brought in a Bill on this important subject, which was surrounded with difficulties, and with which various Parliaments had attempted to deal. That Bill was read a second time, with next to no discussion, on the understanding, he believed, that the principle of it should be discussed at the following stage—namely, at the stage at which the Bill had now arrived. On the day before the Bill came to be considered in Committee a series of Amendments to be proposed by the Government were put into the hands of hon. Members of the House. If those Amendments were adopted the Bill would become a totally different Bill from that which was introduced by his right hon. and learned Friend, for they filled 13 pages, and if they were accepted only 300 words of the Bill as introduced by his right hon. and learned Friend would be left. That was not the way in which the House had a right to expect that sort of business to be conducted. The criminal law was supposed to be under the superintendence of the Home Secretary, who was responsible to the House for its proper administration, and for the introduction of such measures as he

might think requisite for its amendment. As a Member of the Government, the Home Secretary had the command of a great deal of the time of the House, and if he thought a measure ought to be introduced on this subject, he had abundant opportunity of submitting such a measure to the consideration of the House; but to allow a private Member to introduce a Bill on the subject, and, after it had been read a second time, to turn it inside out—to put a new Bill into an old framework—was a course which hitherto had not been adopted by a Home Secretary. Suppose the Bill went into Committee, and these Amendments, which would make it a totally different Bill, were adopted, the House would have lost the opportunity it might have had on the second reading of expressing its opinion on the principle of the Bill. In fact, the course proposed to be taken by the Home Secretary was practically an evasion of those Rules of the House which were made for the purpose of securing an adequate discussion of the principle of a Bill; for the only opportunity the House would have of discussing the principle of this Bill would be on the third reading—the last stage. There was no necessity for having embarked the House in this difficulty, which was entirely owing to the way in which the Home Office now appeared to abandon functions which it used to perform in that House. That was not the first time that Session he had felt it his duty to complain of the way in which the Government did business, and he hoped some change for the better would be made, and that the Home Secretary would pluck up courage and introduce on his own responsibility such measures as he thought were desirable with regard to the administration of the criminal law.

MR. VERNON HARCOURT said, his right hon. Friend who had just spoken was a great authority on the conduct of the Business of the House; but he ought to remember the great block of Public Business which had occurred and was continually increasing. His right hon. Friend said the Government ought to undertake the conduct of this Bill, but they had not time to do so. He could not help thinking, therefore, that the time had arrived when the House might with advantage recognize the existence of a new class of Bills—

Mr. Bouverie

what he would call hybrid Bills, half Private and half Government—which, having been long under the consideration of the House, might, though introduced by private Members, and discussed in the time set apart for private Members, receive the special support and sanction of the Government. It was said the principle of this Bill was a new principle—namely, that there should be a public prosecutor; but that principle could in no sense be said to be new, for it had been admitted on both sides of the House in discussions on the second reading; all, therefore, that remained was a matter of detail, for if these Amendments had been before the House on the second reading the House would have been told that they involved questions of detail which should be dealt with in Committee. In answer to the question, whether or not there should be a public prosecutor, the House on the second reading apparently said, Yes. The question how far the appointment of a public prosecutor should be compulsory or permissive was also a question of detail—that was to say, a question for the Committee. He did not concur in all the Amendments, but they could be modified in Committee. He, therefore, hoped they would lose no further time, but proceed with the measure while they had the chance.

MR. GATHORNE HARDY said, he must contend that with the exception of the point that a public prosecutor should be appointed, this Bill had been abandoned by its promoters. ["No, no!"] Why, it was absurd to say that the Amendments intended to be moved by the Government would not make it a totally different Bill. The Bill, instead of enacting that public prosecutors should be appointed, held out facilities for the appointment of a public prosecutor in any district that might choose to appoint one. Things would be left as they now were until a public prosecutor was appointed. What course ought to have been adopted? Without going so far as his right hon. Friend the Member for Kilmarnock (Mr. Bouverie), who spoke as if the Order for going into Committee ought to be discharged with the view of bringing in a new Bill, he thought the Bill ought to have been committed *pro forma*, in order to insert in it the Amendments of the Government. The Bill could then have been reprinted,

and ample time might have been afforded to hon. Members to consider the Amendments of the Government; whereas, if the House went now into Committee on the Bill, the difficulty of the subject would be enormously increased through not having adopted that course. With respect to the latter part of the Bill, for instance, however desirable it might be to settle the question of costs, he did not think that on going into Committee on a Bill which did not deal with that subject was the proper time for considering it. He was quite aware how overpressed the Government were with the number of measures they had brought in; but it was more important to have measures fully considered than to relieve by any means the Government from a burden which properly belonged to them. The Home Secretary had shown that he felt the importance of this question of public prosecutor, and that it was impossible for the Government not to intervene when a Bill dealing with such a subject was before the House. They should therefore take the full responsibility of any Amendments they might introduce.

MR. BRUCE said, it was not now possible for the Government either to recommit the Bill, and reprint it in time for hon. Members to consider the Amendments, or to introduce a measure on their own responsibility. That was the advice of the authorities of the House on the question. He would admit that the proper course to take when the Government proposed numerous Amendments in a Bill introduced by themselves was to move that the Bill be reprinted, and that that was a subject which properly belonged to the Government, and that it would have been the duty of the Government to introduce a Bill on the subject, if they had had time. But the Government had charge of a great number of questions, which were certain to occupy every moment of available time at their disposal. In dealing with this subject in accordance with the recommendations of the Select Committee which sat upon it, it was absolutely necessary to deal with the question of fees; and they had also tried to fulfil the pledge given to the House to take some steps to relieve the counties from the treatment they now complained of as to the taxation of costs. That had necessarily involved great labour; but,

nevertheless, it had been, he hoped, effected by the Amendments made in the Bill. It was impossible for the Government to undertake the conduct of this Bill without abandoning other measures to which they were pledged, and the Government were entirely in the hands of the House with reference to this question. If the House expressed a desire to proceed with the Bill, the Government would be most happy to facilitate its passage by every means in their power; if, on the other hand, for the reasons stated by the right hon. Gentleman who had just spoken (Mr. G. Hardy), and the right hon. Gentleman the Member for Kilmarnock (Mr. Bouverie), the House thought the Bill ought not to be proceeded with, the Government would be content to yield to that opinion.

MR. HENLEY said, he never remembered a case in which that House and the country had been less fairly treated than on that occasion, neither did he recollect a Bill with respect to which so many Amendments were proposed as in the case of this Bill, which was not committed *pro forma* with the view of reprinting it with the Amendments, and thus enabling the House and the country to know what was to be debated. The alterations, moreover, which were proposed to be made in this Bill by the Government were not of a formal, but of a most material kind, and they affected the principle of the Bill. Another point was the large bribe that was offered to parties who would accept the Bill. The Bill was said to be permissive, except as regarded the Central Criminal Court; but while it was made permissive a very large offer of public money was made to all parties who would accept it, and of course there would be a corresponding disadvantage to those who did not accept it. For what was the proposal? That, in the event of a county or borough accepting this Bill, the public prosecutor would pay all the expenses, without the necessity of resorting to the funds of the county or borough, the necessary inference being that all who did not accept the Bill would be dealt with according to some capricious rule of thumb on the question of the repayment of their expenses. Such a principle, introduced by the Government in the form of an Amendment, ought of itself to have secured the re-committal of the Bill, in

order that the country might be able to discuss and express its opinion upon it. There was another point in the Amendments which certainly ought to be considered. It was said that if anybody thought the public prosecutor was not doing his duty properly, he might apply to a Superior Court to set him aside. That was a very queer proposal. In the first place, it did not show much confidence in the people that were to be made public prosecutors. In the next, no provision at all was made about dealing with the prosecution of a criminal, while the public prosecutor and the person who complained of his conduct were contending with each other in one of the Superior Courts. Was the criminal to be handed from one side to the other, or what was to become of him? The Bill, in point of fact, had become a Government Bill, because it provided for the payment of public money, and the Government ought to appoint a day for the discussion of it. [Mr. BRUCE dissented.] The right hon. Gentleman shook his head. Perhaps the Government had too many omnibuses of their own blocking up the way. He did not think the Government had taken a proper course with reference to this Bill, for they ought to have given the House a fair opportunity of dealing with what had in fact become a new Government Bill.

MR. MAGNIAC said, he must agree with the right hon. Member for Oxfordshire that the House was hardly put in a fair position in regard to the Bill. For instance, there had been a distinct understanding arrived at by the Government that the counties should be relieved from the cost of prosecutions; but they were now to be asked to consent to another arrangement in the matter, and one to which he believed the counties would entertain a very strong objection. He also felt convinced that the House would never consent to the extensive powers given to the Secretary of State by the Bill. Another point was, that under the Bill the clerks of justices might be appointed public prosecutors, and they might carry on prosecutions in defiance of the magistrates. That was certainly most objectionable.

MR. BRUCE explained that under the Bill, clerks of the justices, if appointed public prosecutors, would only have the power to prosecute where offenders had already been committed for trial.

Mr. Henley

MR. MAGNIAC said, however it might be, he was not sure the right hon. Gentleman was correct in that interpretation of the language of the measure. Again, why should they be asked to consent to fees being given for prosecutions—a thing that many hon. Gentlemen entertained a great dislike to? The right hon. Member for Oxford University had said that the only principle in the Bill was that of public prosecution; but he differed from that statement, and he thought that it was very unfortunate that the House should now be placed in a position of much embarrassment on account of the course taken by the Government.

MR. ASSHETON CROSS said, he had listened with attention to the right hon. Gentleman the Secretary of State in order to find some guidance as to the course they should pursue; but the right hon. Gentleman appeared to have found the difficulties of arriving at a settlement of this case to be so very great, that it was not till Saturday that he had been able to place the result of his deliberations before the House. Now, if it took the Home Office so long to arrive at a satisfactory conclusion on the various points involved, how could it be expected that in four days hon. Members who had to communicate with their constituents could make up their minds as to the course they should take on this important Bill? Confessedly, this was a new Bill, and if the Home Secretary had introduced it, could he have expected the House to read it a second time and go into Committee upon it within four days? The changes they would introduce were extremely important, and surely the opportunity ought to be allowed of consulting those interested in the subject throughout the country at large before the House committed itself to legislation on the subject. He thought the proper course for the House now to adopt was to recommit the Bill *pro forma*, for the purpose of inserting the Amendments, and that then it should be considered at as early a day as possible.

MR. BRUCE said, he wished to explain, what he had not perhaps sufficiently explained before, that he felt had he moved to-day that the Bill be recommitted without giving an assurance that the Government would carry it through, he might seriously interfere with the chance which those having charge of the

Bill had of carrying the Bill this Session; and he did not wish to take any course which might prove disastrous to his right hon. and learned Friend the Recorder by taking such a step.

MR. HUNT said, he would not go back on what had been done, but would address himself to the question what was best to be done now. He was in favour of the principle of appointing a public prosecutor, though many of the details of the Bill seemed to him to be faulty, and therefore he was anxious that the Bill should be discussed. Supposing the Bill committed *pro formâ*, and the Government Amendments incorporated in it, would the right hon. Gentleman promise them time for its discussion—say a Morning Sitting? In that case they might still entertain the hope of carrying a Bill for the appointment of public prosecutors that Session. He objected the other morning at 2 o'clock to the Resolution by which it was proposed to sanction the expenses to be incurred by the Amendments of the Government, for he wanted an opportunity of discussing the financial arrangements under these Amendments, and he observed that the last Order of the Day was to go into Committee on that subject. He could not, therefore, hope to have the opportunity he desired; but he must say he entirely agreed with his right hon. Friend the Member for Oxfordshire (Mr. Henley) that very powerful inducements were held out to local authorities to appoint public prosecutors. Supposing they did so, what was to follow? These public prosecutors were to order any expenditure, sanction and check it, and actually to pay the money. Could that be considered sound in principle or satisfactory in practice? Local authorities might jump at the appointment of public prosecutors, in order to save the rates and to escape the grievance now felt in the deductions from fees and expenses made by the Treasury; but the House was bound to take care that while saving rates they were not increasing taxation unduly. He, however, saw no machinery proposed by the Government to control the lavish expenditure which would be incurred if these Amendments were agreed to, and protested most strongly against that principle. It would be far better to appoint some one wholly independent of the public prosecutor to check the expenditure. There were cases in

every county which occasionally required a public prosecutor; he said occasionally, for as chairman of Quarter Sessions he could not say that more than two cases had occurred in several years where a public prosecutor was really wanted. What he should prefer would be that there should be certain large districts—say half a circuit—to which a public prosecutor should be appointed, who, on application of the authorities having charge of the administration of the law, should institute prosecutions where private individuals did not come forward. He agreed that in the district of the Central Criminal Court, and in large manufacturing centres, public prosecutors might be highly necessary and valuable; but he denied that throughout the length and breadth of the land they were wanted in every county and borough, and it was most undesirable to saddle the public with the expense of this officer unless he was really wanted. At all events, he insisted that there should be a taxing officer wholly distinct from those who incurred the expenditure. He hoped the arrangement he had suggested with regard to a Morning Sitting would be accepted by the right hon. Gentleman. If not, he must vote against going into Committee on this Bill to-day.

MR. LEEMAN said, that they were within a fortnight of the time when the Quarter Sessions were held in different parts of the country, and it was of great importance that the Justices should have the opportunity of considering the details of this Bill. He, therefore, hoped that the suggestion to commit the Bill *pro formâ* would be accepted by the Home Secretary, and that a Morning Sitting should be appointed for discussing the Bill the week after the Quarter Sessions had been held. He must say, from his knowledge and experience, he did not believe that the appointment of public prosecutors was necessary in the agricultural districts. On the other hand, he did not see why a county was to be put under the pains and penalties of this Bill if it did not appoint a public prosecutor. He entirely agreed with his right hon. Friend the Member for Oxfordshire (Mr. Henley) as to the bribe which was held out to counties under this Bill, for the public prosecutor was to come with the money of the Consolidated Fund, and deal with it in paying

the expenses of prosecutions. Besides, as to the machinery proposed in the Amendments of the Government, it was of a most despotic character, and such as would require the most careful and deliberate consideration of the House. There was a clause proposing to enact that the Rules and Regulations of the Home Office on this particular subject should have all the force of an Act of Parliament. He did not agree with that. He did not say that that was a new Bill. It was a modification of several former Bills which had been introduced to the House. That was evidenced by the fact that, with regard to the Central Criminal Court, it had been deemed desirable that a public prosecutor should be appointed; while the Government, in their Amendments, had left the counties and the boroughs to adopt a public prosecutor if they thought proper.

MR. STRAIGHT said, that when the question as to how public prosecutions were to be conducted was being discussed he thought they could not be too careful what sort of machinery they introduced in this Bill. Therefore, it was most desirable that they should adjourn the consideration of the Amendments which the Government proposed. He was thankful to the Government for one thing they had done, in adopting a suggestion he had made to enable clerks to the Justices to prosecute where they were paid by salary. The clerks to the Justices were generally selected from the most respectable solicitors in either town or county, and when paid by salary they were a cheap and effective machinery for conducting prosecutions ready at hand. Certain most unfair insinuations had been made against them; but he was glad the right hon. Gentleman had shut his ears to the idle nonsense people who knew nothing about the subject had talked, and proposed to avail himself of the assistance of gentlemen well qualified to fill the posts of public prosecutors. He was not quite so sure as to the policy of the proposal only to introduce the public prosecutor when the case had been committed for trial. It was in the preliminary proceedings before Justices that so many of the matters of which complaint had been made in the Press, and elsewhere, had occurred, and it was at that stage, he was of opinion, that the public prosecution would

be of the greatest use. If the Bill was not proceeded with this Session he hoped the Government would introduce it with these Amendments as a measure of their own next year, when he would do his best to assist in making it a practical scheme.

MR. WHARTON said, that taking for granted the Bill was permissive, supposing a county should not see fit to elect a public prosecutor, by whom, in such case, would the duties of the public prosecutor be discharged? If the Bill was to be a permissive Bill, and the magistrates were to have power to appoint a public prosecutor at Quarter Sessions, in many places that power would not be exercised; and, in that case, what would become of the taxing officers? Would counties be left to the tender mercies of their friends in New Street? In the county of Durham—of the Sessions of which he was Chairman—prosecutions had been well carried out, and the magistrates had never felt the want of a public prosecutor.

MR. WINTERBOTHAM said, he wished to say a few words as to the course which had been taken with regard to the Bill, and, in doing so, must say that the discussion which had taken place would afford material assistance in the further consideration of the measure. It had been stated that the Amendments had only been placed on the Table on Friday night; and it was assumed from that, that the Government had required all the time since the second reading to elaborate their Amendments. But that was not quite correct. He had paid a great deal of attention to the Bill; but it was not a Government Bill. It had been introduced by his right hon. and learned Friend the Recorder, who had only recently returned to England, having been engaged in public duties abroad. It was necessary to consult with him how far the important changes suggested by the Government would be accepted by his right hon. and learned Friend; and when that was done, no time was lost in placing the Amendments on the Paper. Those changes, however, were not by any means of so extensive a character as had been represented. In the first place, they rather reduced and limited the scope of the Bill by restricting it, in the first instance, to the district of the Central Criminal Court; in the next place, they limited the action of public

Mr. Leeman

prosecutors to cases actually committed for trial by magistrates; and, in the third place, existing machinery was employed, for Justices' clerks, when paid by salary, would, in many cases, conduct prosecutions very effectually. With regard to the control of expenditure, it was of great importance that adequate provision should be made in the Bill; and it was a mistake to suppose that the expenditure would be at the free will of the prosecutor, and that the only check on him would be dismissal. At the present moment the Secretary of State had power to issue a scale of allowances, while, under the Bill, the tables of fees taken by clerks of the peace and clerks to the Justices would be revised. The whole system of costs would thus be under Government control, and the costs incurred would be taxed. Moreover, every clerk of assize and clerk of the peace was to give such assistance in taxing accounts as the Secretary of State from time to time might require. But if some contended, as they did, that there was no need of a public prosecutor, or of any review of local control of costs as at present practised, let them consider how these costs had been reduced since the Treasury undertook their payment, and began to revise and check the local officers' taxation. In 1848 the total cost of prosecutions formerly paid out of the local rates was £457,213. Next year it was £316,000; the following year £226,000; two years after it was £217,000; and in five years after it was taxed down to £145,000. Such was the effect of the control of the Treasury, and that central control would still be continued, for it was essential that there should be efficient control. The whole object of the Government Amendments had been to limit the operation of the Act to cases in which it was necessary, and at the same time to carry out the pledge they had given to consider the best mode in which they could relieve the counties and boroughs of the grievance of which they justly complained in having to bear the burden of the costs of prosecutions. He protested against the use of the word "bribe" in reference to what the Government now proposed. Wishing, as they did, to relieve those who now complained of their burdens, it was natural that they should propose what they had done, and what they did was a *bona fide* attempt on the part of the Government

to meet the wishes of the House and the justice of the case. The Government could not, however, give any pledge that they would find time for proceeding with this Bill out of the time at their disposal, for the state of Public Business rendered it impossible that they could give any such pledge.

COLONEL BARTELOT said, the House was evidently not prepared to go at once into Committee on the Bill and discuss the Government Amendments; but he thought they were prepared to allow the Bill to be committed *pro forma*, in order that the Amendments of the Government might be introduced. An opportunity would then be afforded to the Justices at the ensuing Quarter Sessions to consider the scope of the Government Amendments; and the Government would afterwards, he hoped, be prepared to name a day for proceeding with the Bill, so that they might at last have some useful legislation instead of going on to the end of the Session as they had begun, with mere sentimental legislation. On the whole, in the rural districts justice, he believed, was well administered, and no public prosecutor was necessary. The Bill should, therefore, be so framed that where public prosecutors were required they should be appointed; but whether appointed or not, relieving the ratepayers from the criminal prosecution expenses from which deductions were now so unfairly made.

MR. SCOURFIELD said, he did not dispute the fact mentioned by the Under Secretary of State for the Home Department that great reductions had been made in the expenses of prosecutions; but he would contend that those reductions ought not to be made; and the Judges themselves in a recent case were unanimously of opinion that many of those reductions had been unfair. Having regard to the wealth of this country, the expenses of criminal prosecutions were not excessive, and, remembering the enormous cost of the Tichborne trial, they did not contrast unfavourably with civil cases. Fifteen years ago the late Mr. J. G. Phillimore obtained the appointment of a Committee on the subject of a Public Prosecutor; and he (Mr. Scourfield) served upon the Committee. Lord Brougham gave evidence in favour of that system; but Lord Campbell said that though when he was first Attorney General he was most

anxious for the appointment of public prosecutors, he had since found such great difficulties in the way, that he had been unable to carry out his wishes, and did not then see that these difficulties were removed.

MR. EYKYN said, he must point out that the opposition to this Bill proceeded mainly from hon. Members who were in favour of revising our system of local taxation. He hoped that if the Bill were now committed *pro forma*, the Government would pledge themselves to take charge of it next Session, for their Amendments really made the Bill a Government measure. He should have been glad if the Law Officers had been present to assist the House with their opinions on the Bill.

MR. WHEELHOUSE said, he saw no reason for hurrying on the Bill that Session, and his experience of the administration of the law led him to doubt whether the change now suggested would, on the whole, be any improvement. In the Central Criminal Court, and possibly in other places, a public prosecutor might be necessary; but it did not follow that such a system, with the patronage to which it would give rise, should be applied to the whole country. At all events, the Justices should have an opportunity of discussing the Government Amendments at their next Quarter Sessions before any legislation was attempted, for it would be better to postpone its consideration for a year, than to discuss its merits at a time when they had only a very imperfect knowledge of it.

MR. PELL said, that hon. Members who had taken up the subject of local taxation had no desire to prevent the appointment of public prosecutors, and he hoped the Government would give a Morning Sitting for the consideration of the Bill. If the progress of the measure was impeded at all, it was through the Amendments of the Government, for those Amendments had smothered the Bill. The excisions proposed by the Home Secretary, to be replaced by his Amendments, entirely transformed the Bill, and could only be likened to the repairs to a pair of trousers of which nothing was left but the buttons, and to which the Government had proposed to attach a pair of new legs and a seat. He could not understand why there should have been such delay in placing these Amend-

ments on the Paper, for the Recorder had returned to this country six weeks ago; and the House, therefore, ought not to be now in the position of having for the first time to consider those Amendments.

MAJOR PAGET said, he objected to the permissive principle which had crept into the Bill, and he also thought the Bill had been so thoroughly transmogrified by the Government that it ought now to be regarded as a Government Bill. The hands of the Government, however, were so full, and the progress of their legislation was so slow, that he feared there was little hope of the Bill becoming law this Session; but he still hoped the Government would themselves grapple with the evil, instead of being content to introduce Amendments, and say—"This is no child of ours, and we cannot promise to push it forward."

MR. M'MAHON said, he should like to know how the system had worked in the other countries which had been quoted as examples. Scotland was being perpetually held up as a model in this respect; but a Select Committee might find evidence to prove that public prosecutors worked very unsatisfactorily. Only a short time ago one Scotch Member contended that they amounted to a practical denial of justice. In the case of Ireland the system of public prosecutors had led in a great measure to the failure of justice, owing to the want of local knowledge and to the carelessness with which prosecutions were got up and conducted. In that opinion Sir Joseph Napier and Chief Justice Whiteside concurred, and the former, in his evidence before the Committee, spoke of "the slovenly and slobbering manner" in which cases were presented, and the result was an unusual number of acquittals. So much so was that the case, that prisoners on leaving the dock free were heard to say—"God bless Her Majesty; she employs counsel nobody else would think of having." Chief Justice Whiteside also stated that although a public prosecutor in Ireland might be never so old or inefficient, he was still continued in office. In France, too, in which the system of public prosecutors existed, no one had the slightest confidence in the administration of justice—and the want of such confidence in the administration of criminal justice was also one of the great evils in Ire-

Mr. Scourfield

land. He would suggest, therefore, that a Committee should be appointed to inquire into the system as it existed in France, Ireland, and Scotland, and other countries before the system in England was given up—a system which, he believed, was the cheapest and most efficient which could possibly be devised.

MR. MAGUIRE said, the statements which had just been made by his hon. and learned Friend had taken him quite by surprise. Some Baron Munchausen must, he was afraid, have been whispering in his ear. He, as one who had the means of knowing how the system in Ireland practically worked, could state that prosecutions were most vigorously conducted there under that system. Very able men were selected to represent the Crown in Ireland, and no prisoner there, he believed, ever returned thanks to God or to Her Majesty for having escaped conviction owing to the stupidity of those by whom he had been prosecuted. The informant of his hon. and learned Friend had, therefore, been guilty of presenting to him a gross and unwarrantable caricature of the actual state of things.

THE ATTORNEY GENERAL FOR IRELAND (Mr. Dowse) said, that as one who was familiar with the conduct of public prosecutions in Ireland, he also protested against the statements which had been made by the hon. and learned Member for New Ross. The idea of a prisoner returning thanks for his escape because of the inefficiency of the prosecution might have some foundation in the past, but none whatever in the present history of Ireland, for public prosecutions in that country were now, at all events, economically and well conducted. The Crown Solicitors were most zealous and efficient public servants, and he had never known in his experience anything to lead him to the conclusion that the prosecutions were conducted in a haphazard manner. The counsel employed, moreover, were learned lawyers, who had the advantage of making the criminal law a study, and it was quite unwarrantable, therefore, to speak of the conduct of the prosecutions in Ireland as being "slobbering and slovenly." [Mr. M'MAHON: Those are not my words; they are the words of Sir Joseph Napier.] Oh, he knew all about the words "slobbering and slovenly." He had the advantage of hearing his hon. and learned Friend de-

liver the same speech the other evening; but if these words were used by Sir Joseph Napier—for whom he had the highest respect—they could have reference only to some incidental prosecutions, and were not meant to apply to the system as worked at present. His hon. and learned Friend had also fished up some old story about a prisoner leaving the dock saying, "God bless Her Majesty" for employing stupid counsel, or something to that effect; but he should like to know where his hon. and learned Friend got the story. [Mr. M'MAHON: From the O'Connor Don.] Well, it was not a bit better because it came from another man. He would have to get the authority of the O'Connor Don; but he objected to his hon. and learned Friend drawing on the stories of 50 years ago. All he could say was that the system of public prosecutions in Ireland worked economically as well as efficiently, and he hoped that England would soon follow the example of Ireland in establishing the system.

MR. RUSSELL GURNEY said, that seeing that the principle of the Bill was all but universally approved, he would not trouble the House with many words with respect to it. In reply to the objection of the hon. Member for Leeds (Mr. Wheelhouse), that the question was being hurried on, he would only say that it had been before the House and the country for nearly 20 years, and that on the Select Committee which had sat to inquire into the subject were the Lord Advocate, the Attorney General for Ireland, and the English Attorney General of the day, all of whom were warmly in favour of the appointment of a public prosecutor. At the same time, there had been a series of Amendments proposed which naturally complicated the question, although he was of opinion they were much more simple than seemed to be supposed; and he did not, under the circumstances, think it right to ask the House to proceed with the Bill in Committee in the ordinary way. What he should suggest, therefore, was that the House should go into Committee *pro forma*, that Progress should immediately be reported. He should like, then, to see the Bill recommitted in the ordinary way with the Amendments; and he was sure the House would be glad to be afforded an opportunity during the present Session of passing a measure which

would be satisfactory to the country. He hoped the right hon. Gentleman the Secretary of State for the Home Department might find it convenient to fix a Morning Sitting with that object.

MR. DENMAN said, he hoped that, as the Bill would in its altered shape be a new one to most hon. Members, there would be an opportunity of discussing its provisions on going into Committee when it next came on.

SIR HERBERT CROFT said, he trusted the Bill would not be proceeded with until after Quarter Sessions were over, and contended that in the county which he had the honour to represent a public prosecutor was not at all required. His constituents were opposed to centralization, and wished to be allowed to do their own work.

SIR DAVID SALOMONS said, he wished to know in what position the Clerks of Justices Bill would stand in the event of the arrangement proposed with respect to the measure under discussion being carried into effect?

MR. BRUCE said, there would be no objection on the part of the Government to the passing of that Bill if they had themselves no prospect of dealing with the question as part of a larger measure. As to the Bill before the House, there were one or two Amendments to the Bill on the Paper which the Government would feel bound to oppose; but he believed that the measure generally was a good one, and so far from the day having been wasted by the discussion which had occurred upon it, he remembered very few Wednesdays this Session which had been more profitably employed. When the Amendments proposed had been inserted, and the Bill was reprinted, the Government would take into consideration the possibility of giving a day for its discussion. There were measures of great importance, however, still to be dealt with, such as the Scotch Education Bill and the Mines (Coal) Regulation Bill, to which the hon. and gallant Member for Sussex would not, he was sure, say the word "sentimental" was applicable; and it would, therefore, be rash in him to make any definite arrangement with regard to the progress of the present measure. The Government, however, in the event of their not being able to deal with the Bill this Session, would do so next.

House resumed.

Mr. Russell Gurney

Bill reported; to be printed, as amended [Bill 203]; re-committed for Wednesday 3rd July.

BASTARDY LAWS AMENDMENT BILL.

(Mr. Charley, Mr. Thomas Hughes, Mr. Eykyn, Mr. Whitwell.)

[BILL 109.] SECOND READING.

Order for Second Reading read.

MR. CHARLEY, in moving that the Bill be now read a second time, said, that the Committee which sat upon the subject of Infanticide last year examined many important witnesses, including the Recorders of Manchester and Middlesex and Mr. Serjeant Relf, who had had great experience in cases of infanticide, and who brought Margaret Waters to justice. That Committee recommended that the bastardy laws should be amended for the better protection of infant life; and it was from that point of view that he now desired to approach the subject. The chief object of the Bill was to enlarge the discretion of the magistrates with regard to the granting of bastardy orders. Under the existing law, if a seducer absconded to the colonies or to a foreign country the mother of the illegitimate child was perfectly helpless; and from the evidence of Mrs. Main, the excellent lady superintendent of the Refuge for Deserted Mothers and their Infants in Great Coram Street, it was found that in only 3 per cent in 1,000 of these cases did the father contribute anything towards the support of his bastard children. It was proposed by the Bill that at any time within 12 months after the return of the seducer proceedings might be taken against him before the Justices, provided he had absconded within 12 months after the birth of the child. By the existing law a hard-and-fast line was fixed with reference to the amount to be awarded to the mother of the bastard child, and in ordinary cases that amount was rigidly limited to 2s. 6d. per week; but the evidence before the Committee showed that it was quite impossible to maintain an infant for a week upon so small a sum, and that that rigid limitation led to infanticide. The mother had this alternative placed before her—either to maintain her child or to destroy it, for otherwise she could not possibly go to service. She could not maintain her child, and so she de-

stroyed it. Again, under the existing law the mother could only recover for 13 weeks of arrears, and if she married her husband was obliged to support her bastard children. The last-mentioned provision was a direct restraint on marriage, and was therefore contrary to public policy. It was proposed by the present Bill to alter these two points in accordance with the sentiments of humanity and of justice. Then under the law of 1834 the mother was liable for the maintenance of her bastard child until it attained the age of 16 years; but her bastardy order, if she obtained one, expired when the child attained the age of 13, and it was now proposed to do away with that anomaly. Again, if such a child became chargeable to the rates, under the law of 1844 the guardians were unable to relieve the ratepayers of the cost of its maintenance; but an alteration was made in that respect by an Act passed in 1868, and now the guardians could attach the money obtained under the bastardy order in the hands of the mother for the relief of the ratepayers. It was proposed by the present Bill to extend that principle. If the mother did not take action under the existing law, there was no way of relieving the ratepayers. It was now proposed to give to the guardians, as was the case in Ireland, the power of initiating proceedings for the relief of the ratepayers; but the amount to be obtained by them would be rigidly limited to the amount necessary for the actual cost of the maintenance and education of the child. There was one other provision in the Bill which happened to correspond with a proposal which the Government had made, which was that the age of girls to which criminal liability for their seduction should attach should be raised from 12 to 14 years. Under the existing law consent might be shown where the girl was more than 12 years of age; but it was now proposed to raise the limit of age, during which consent would be immaterial, to 14 years. Unfortunately, in many cases, seduction occurred between the ages of 12 and 14. He maintained that the result of this amendment of the law would be two-fold—it would cause a decrease in infanticide, because the mother would be able to put out her child to nurse, under the Infant Life Protection Bill, with a respectable

woman and go out to service herself; and it would also decrease immorality by exposing the seducer to the liability of paying for his illegitimate offspring; and penalties upon the seducer were more likely to discourage immorality than severe and oppressive laws upon the seduced.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Charley.*)

MR. LOPES said, he was not aware that any measure of this kind was required; and he certainly thought that some limit ought to be fixed, in Committee on the Bill, to the amount for which the putative father of the child should be held liable. It would be extremely unwise to invest the magistrates with an unlimited discretion in these cases.

MR. HURST thought that some amount of discretion, at all events larger than they possessed at present, ought to be given to the magistrates. Indeed, he thought that unlimited power might be given to them with great safety, for they would not be likely to abuse it. With regard to the age to which criminal liability should attach for seduction, he approved of the provision in the Bill, and he thought it might well be applied in cases of indecent assault. It was absurd to talk of the "consent" of a child of eight or ten in such cases.

MR. ASSHETON CROSS said, he trusted the promoter of the Bill would consent to limit the discretion of the magistrates as to the allowance to be made to the mother of a bastard child, for care should be taken not to hold out inducements to a woman to allow herself to be seduced because the whole maintenance of the child would be thrown on the father.

MR. GREGORY said, that as one connected with a public institution which had to deal with questions of this nature, he did not think the Bill went far enough, because the difficulty of a woman recovering anything for the injuries done her were now almost insuperable. Gross cases of seduction came under his notice for which there was little or no remedy—a state of things which he hoped would soon be removed.

MR. CANDLISH said, that the great sufferers in such cases were the women, and he thought that an unlimited discretion might be left to the magistrates

as to the amount of allowance to be given by the father of an illegitimate child, for he thought they could very well judge whether or not the mother was an abandoned woman, and give their award accordingly.

MR. GATHORNE HARDY said, he would at once admit that on that subject it was natural that the feelings of hon. Members should go with the suffering party; but he trusted the House would regard the matter in reference to the general interests of society. If hon. Members looked back to the investigations which were made before the introduction of the New Poor Law and to the evils which existed then, they would be cautious how they moved on the path which might lead to similar results, and how they took too wide steps in the interest of one party, which might have the effect of encouraging the very vice they wished to put an end to. In 1834 there were many persons who arrived at the conclusion that the old law on the subject required to be abolished, on the ground that the payments made to the mothers of illegitimate children were conducive to immorality, and instances were adduced where women, who had transgressed two or three times, were actually sought in marriage on account of the endowment resulting from the orders granted by the magistrates. He stated that circumstance in order to prevent the House rushing rashly to a conclusion on this subject. With regard to the Bill, he thought the two first clauses very complicated and difficult to be understood; but there were points in the Bill well worthy of consideration in Committee, and he therefore deemed it desirable that the Bill should be read a second time. He, however, warned the House not to yield to the rash conclusions to which the hon. Member for Sunderland (Mr. Candlish) appeared inclined to yield.

MR. WHITWELL said, he was of opinion that the Bill deserved the favourable consideration of the House, for there could be no doubt that women in these cases were entitled to more than they now received.

MR. LIDDELL said, he thought the thanks of the country and of that House were due to the hon. and learned Member for Salford for introducing the measure. At the same time, though he considered the sum which a magistrate

could order to be paid to the mother of a bastard child was at present too small, he trusted the House would not be induced to go too far in a contrary direction. He thought that provision might be made in the present Bill to enable women to follow up the fathers of their bastard children, for at present they were put to great expense in that attempt, and trusted that the question of criminal assault would not be mixed up as proposed by the Bill with the question of seduction, which belonged to a totally different branch of the law.

MR. STANSFELD said, he had great pleasure in congratulating the hon. and learned Member for Salford on the reception which his Bill had met with, and although he thought the warning of his right hon. Friend (Mr. G. Hardy) well worth listening to, yet, speaking his own individual opinion, he was prepared to go so far as to say that the time had come when they ought to review the former Poor Law Acts on the subject of affiliation orders. The points raised by the Bill were all worthy of discussion, and there was hardly any one of them on which some amendments in the existing law might not be made. There was much to be said against any arbitrary limit on the amount of allowance to be awarded by the magistrates; but in dealing with cases of summary jurisdiction, it would be well to consider whether some limit might not be imposed in that respect, or some right of appeal given in the event of any extravagant allowance being ordered. He saw no objection to the proposal that when the mother of a bastard child had not obtained an order from a magistrate, the Poor Law Guardians might get an order and apply the proceeds to the maintenance of the child. He was glad to give his support to the principle of the Bill; but he reserved for himself liberty of action when the Bill came to be discussed clause by clause in Committee.

MR. HENLEY said, he thought the present bastardy laws had very much to do with the fearful increase of infanticide; and was glad that though the House had elected in one way to check that evil, that they were now about to do that, which in another direction would have a much greater effect in stopping that fearful crime. It was impossible to look at the bastardy laws without seeing that they bore very hardly on

Mr. Candlish

women, and he was glad to see any attempt in the direction in which it was now proposed to go, for he felt certain that since the enactment of the existing law 35 years ago, though the births of illegitimate children had decreased, the crime of infanticide had increased in a far greater proportion. It was impossible to consider the position in which these poor unfortunate women were placed without feeling that the law held out a temptation too strong for human nature to stand against. He was, therefore, glad that an attempt was made to amend the law, for they must all regard with shame and horror the amount of infanticide which had occurred during the last two years. He trusted that the present and other measures would tend to check that crime and to relieve the country from the disgrace which rested on it.

DR. BREWER said, the maintenance of bastard children fell too heavily on local rates; but he thought that unlimited power as to the allowance to be paid by the fathers of bastard children should not be given to the magistrates.

Motion agreed to.

Bill read a second time, and committed for Friday 12th July.

IMPRISONMENT FOR DEBT ABOLITION

BILL—[BILL 156.]

(*Mr. Bass, Mr. Robert Fowler.*)

SECOND READING.

Order for Second Reading read.

MR. M. T. BASS, in moving that the Bill be now read a second time, alluded to the present condition of the subject with which the Bill proposed to deal. During the year 1870, he said, there were between 900,000 and 1,000,000 actions for small debts under £50, nearly 600,000 being for debts not exceeding 40s. These actions resulted in 160,000 executions and the imprisonment of 6,700 people. During the year ending last September there were 602 prisoners for debt in Stafford Gaol, whose maintenance cost the country £370, and for whose conveyance to gaol the Consolidated Fund was charged £361 4s. The total amount of the debt in 100 cases was £47 18s. 4d., so that the county might have saved 5s. for each prisoner by paying the debts before the summonses were issued, and the Chancellor of the Exchequer £35 at least, and

perhaps £82 10s. The Judge of the Derby County Court was the only one of 60 County Court Judges who concurred in the necessity of abolishing imprisonment for debt. But that gentleman had assured him that it cost him much misery to send these poor people to gaol, when they had no idea of the obligations they had incurred. Not only that, but the maintenance in prison of persons on account of small debts was, in a majority of cases, greater than the total amount of their debts, while their families were thrown on the Union for support. In cases which had been brought under his notice, one man had been imprisoned 14 days for 1s. 10d., another 10 days for 2s. 11d., another 30 days for 16s., and another 40 days for 11s. 1d. But a man who had been imprisoned for 40 days might be sent back to prison again two days after his liberation for another period of 40 days, so that this power of imprisonment was virtually without limitation. Moreover, the present system was not alone costly, but it was highly injurious, because not one in 50 of those persons who were imprisoned ever recovered the position they had lost. There was a number of cases of imprisonment for debts of 1s., and in April last a man between 70 and 80 years of age, who was a cripple, was imprisoned for a debt of 8s., next for 12s., and a third time for 9s.; while an unfortunate sweep of Tunbridge Wells, 70 years old, a pauper, who owed 2s. 6d., had been actually taken out of the Union workhouse and sent to Maidstone Gaol under one of these orders of imprisonment. The expense to the county in such a case could not have been less than 30s.; what it cost the Chancellor of the Exchequer he would not say; but, at all events, it could not be regarded as anything else than a serious waste of public money. The House was aware that there was no imprisonment for debt from the Superior Courts; and therefore they could come to no other conclusion than that there was one law for the rich and another for the poor. ["Oh!"] That very morning he had an interview with the Lord Chancellor, who had been good enough to inform him that there was no imprisonment from the Superior Courts, except where the matter bore the character of a crime. Did his hon. Friend who said "Oh!" just now mean that poor people who were sent to gaol were criminals?

Why, he could prove before a Select Committee that many of the men who were sent to gaol did not even know why they were sent there. Well, then, if it were right and good to abolish imprisonment for debt for sums over £50, why not for sums under £50? He was convinced that there was no system of a more vicious character than that of imprisonment for small debts. A publican could not recover for debt, and the existing arrangement tended to encourage drunkenness, because as a man could not get credit at the public-house he spent all his ready money there, while the baker who gave trust had to send the man to gaol, sell up his goods, and ruin his family. He was intimately acquainted with Mr. Daniel, County Court Judge of Burnley, in Lancashire. Mr. Daniel, being dissatisfied with the punishment he had hitherto imposed, had announced that in future when a case for imprisonment was made out he should commit for 40 days. As a reason for adopting that course the County Court Judge stated that he had ascertained from the Under Sheriffs in Yorkshire and Lancashire that many debtors went to prison at Lancaster or York at the expense of the Consolidated Fund, merely for the purpose of amusing themselves. Their practice was, after they had cost the county perhaps 30s., to pay the small debt for which they had been arrested, and on being liberated they spent the rest of the day in visiting the Minster and other places in the city. But if foolish people acted in this manner it could not be tolerated that their conduct should be made an excuse for trifling with the liberty of the subject. He had conversed with half the Judges of the Superior Courts on this subject, and he had not met with one who was not decidedly opposed to the present system of leaving the exercise of this power of imprisonment for an unlimited time to the discretion—or, as he said, the indiscretion—of County Court Judges. It was said that the people who were sent to gaol for debt were “good for nothing,” and not what they ought to be; but he found that a vast number of actions for small debts were for amounts owing on account of Bibles; and he thought people who bought Bibles were not likely to be of such a character as to deserve imprisonment. He thought, on the contrary, that the County Courts

were kept up at a cost of £500,000 a-year for the purpose of collecting the debts of Scotch tallymen, and he had received a letter from a friend of his stating that the system was a curse, and that an Act was required to mitigate the evil of imprisonment for debt. He had been waited on by a deputation from the Linendrapers Mutual Protection Society in opposition to the Bill; but they acknowledged in the course of the conversation that in Scotland, where some of them came from, they could not imprison for debt under £100 Scots, and that not the county, nor the Chancellor of the Exchequer, but the creditors themselves paid the expense of maintaining in prison the person whom they imprisoned. For that reason it was very obvious why there were so many Scotch tallymen in England running all over the country. He had received a communication with the farewell address of the gentleman who had, until within the last few days, been at the head of the Exeter County Court, and he said that in the exercise of his somewhat arbitrary power of imprisonment for debt his predecessor had imprisoned 120 men in the course of a year; but he himself had reduced the number to 7. It was said that if the Bill became law, the poor man would have no chance of obtaining credit. That was the very thing he wanted to insure. The labourer at present would have no difficulty in saving a certain moderate sum to enable him to go to market, and if a man went with cash in his hand he might buy at 30 per cent less than if he asked for credit. Between 6,000 and 7,000 men were annually sent to prison and ruined by the existence of this law, and the question was one of such tremendous import that sooner or later the House would have to deal with it.

Motion made, and Question proposed, “That the Bill be now read a second time.”—(*Mr. Bass.*)

MR. LOPES, in rising to move, as an Amendment, that the Bill be read a second time that day six months, said, that every County Court Judge except one affirmed that if the Bill became law the vitality and efficiency of County Courts would be destroyed, and that from the day of the passing of the Bill County Courts might be as well abrogated altogether. In almost every case the person who was imprisoned could

Mr. M. T. Bass

pay the debt. If the hon. Member for Derby had understood the practical working of the matter, and had received correct information about it, he would never have advocated this principle. Was it not a principle of common honesty that a man who had incurred a debt, and had received the benefit of the debt, and had money in his pocket to pay it, should be compelled to do so? Yet what the hon. Gentleman proposed was to take away that power which the County Courts possessed of sending to prison a man who was proved almost to demonstration to be able to pay. He denied altogether the dictum which had been ascribed to the Lord Chancellor by the hon. Member, and would refer him to the 5th section of the Debtors Act of 1869, to show that there was no difference between Superior and Inferior Courts in the matter of the law of imprisonment for debt. He would also draw attention to the very careful way in which the Legislature had guarded that power of imprisonment. It could only be exercised after judgment, provided the Judge was satisfied that the debtor had the means of paying the debt and did not do so; and before the Judge could make an order for the judgment summons the debtor was called upon to show cause why the order should not be made upon him. If he did not appear the Court would not proceed to make an order in his absence, but the employer would be summoned, and called upon to give satisfactory evidence whether the debtor had the means, and persistently refused and neglected to pay. So careful were the County Court Judges that very frequently they made an order for imprisonment, which, however, was "to be suspended for the space of a week;" and in most cases the money was paid before the term of imprisonment arrived. The Bill, moreover, was not supported by working men, because they knew that in the event of sickness their baker and grocer would not give them credit if the security of imprisoning was withdrawn. He held in his hand the concurrent testimony of 59 County Court Judges, who were all opposed to the Bill, and he would instance the opinions of five of them, which were to the effect that there would be no adequate means of enforcing the judgment if the power of imprisoning was abolished.

MR. NORWOOD, in seconding the Amendment, said, the whole subject was discussed thoroughly a few Sessions ago, when our bankruptcy laws were revised. It was an error to speak of the power of arbitrary arrest, which did not exist in respect of 5s. any more than it did for a debt of £50; the procedure was the same in both cases, and in both there must be a judgment, and in default a judgment summons. It ought to have been stated that the 6,700 persons who were imprisoned were but the residue of 137,000 ordered to be imprisoned, the remainder having paid under the pressure put upon them by the order. There were about 20 Acts under which justices could commit in default of the payment of penalties, and why should we exempt from imprisonment those who refused to pay for the necessaries of life? If this Bill passed men would go with impunity past the door of the tradesman who had trusted them, and spend their money at the public-house. The Bill ought to be called one for the promotion of dishonesty and fraud.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Lopes.*)

MR. RODEN, in supporting the second reading of the Bill, said there was not a single man in prison for a very large debt, but there were men in prison whose original debts did not exceed 5s. The ratepayers, moreover, ought not to be called upon as they were to pay large sums of money to assist certain persons to carry on their business, for he did not admit that the abolition of imprisonment would stop legitimate credit, but only illegitimate credit—credit incurred by a man's wife really without his authority. In short, the present system was a relic of barbarism, and no man ought to be imprisoned for non-payment of a debt, and for that reason he warmly supported the Bill.

MR. HENLEY said, he could not forget that, when it was proposed to abolish hanging for theft the objections of the Judges and their predictions of evil were stronger than the objections and predictions of County Court Judges on this subject; and, indeed, as a rule, Judges were very reluctant to part with any authority. In this matter the rich and the poor did not practically stand

upon the same footing, for you seldom or never heard of a man being sent to prison because he owed £100; and it was a great mistake and a misfortune, when the law was changed, that all classes were not put on the same footing. It was, further, a great injustice to the poor that they were more easily committed for non-payment of a debt than those who owed large sums; and the injustice was aggravated by the fact that the imprisonment might be perpetual.

THE SOLICITOR GENERAL said, they could not but be obliged to the hon. Member for Derby for the statistics he had brought before them. It was a lamentable thing that so large a proportion of the male population should be committed to prison in a year, and their dependents pauperized; and, indeed, the very fact that men had been in prison was an injury to their future prospects, and it was undoubtedly a hardship that ratepayers should have to support in gaol men who were imprisoned for debt. He did not think that the objections to the Bill, although very serious, were by any means conclusive. As to it tending to stop credit, it would be most beneficial if it stopped credit being given by certain persons who went about the country selling things to the wives of working men; but he did not believe that the Bill would stop legitimate credit. He thought, however, that the subject required further inquiry before they could legislate upon it; besides there were different laws in England, Ireland, and Scotland upon the same subject, and upon a question of this kind legislation ought to be uniform for all parts of the United Kingdom.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 34; Noes 136: Majority 102.

Words added.

Main Question, as amended, put, and agreed to.

Bill put off for three months.

GAME LAWS.

Instruction to the Select Committee on the Game Laws, to inquire into the Laws for the protection of deer in Scotland, with reference to their general bearing upon the interest of the community.—(Mr. Hunt.)

House adjourned at Five minutes before Six o'clock.

Mr. Henley

HOUSE OF LORDS,

Thursday, 20th June, 1872.

MINUTES.]—PUBLIC BILLS—*First Reading*—Review of Justices' Decisions * (184).
Second Reading—Bank of England (Election of Directors) * (144).
Second Reading—Referred to Select Committee—Infant Life Protection * (118).
Referred to Select Committee—Local Government Supplemental (No. 2) and Act (No. 2, 1864) Amendment * (130).
Committee—Report—Charitable Trustees Incorporation * (127); Board of Trade Inquiries * (155).
Report—Baptismal Fees * (160).
Third Reading—Pier and Harbour Orders Confirmation * (116), and passed.

Their Lordships met;—

INFANT LIFE PROTECTION BILL.

Read 2^a (according to order), and referred to a Select Committee.

And, on Friday, June 21, the Lords following were named of the Committee:—

E. Derby.	L. Wharncliffe.
E. Shaftesbury.	L. Skelmersdale.
E. Morley.	L. Portman.
L. Bp. London.	L. Egerton.
L. Boyle.	L. Kesteven.
L. Saltersford.	L. Fitzwalter.

And having gone through the Business on the Paper, without debate—

House adjourned at half past Five o'clock, till To-morrow, Eleven o'clock.

HOUSE OF COMMONS,

Thursday, 20th June, 1872.

MINUTES.]—PUBLIC BILLS—*Committee—Report*—Education (Scotland) [31]; Bishops Resignation Act (1869) Perpetuation * [137].
Third Reading—Sites for Places of Worship and Schools * [2], and passed.

IRELAND—MURDER OF MRS. NEIL AT RATHGAR.—QUESTION.

COLONEL TAYLOR said, he wished to preface his Question with a remark which he should not have thought it necessary to make had the murder been one of an ordinary nature. It was perpetrated in one of the quietest districts of Ireland, immediately adjoining the

capital; indeed, he might say as orderly and civilized a locality as any in this country; and it was not believed by those who had inquired into the matter that the inhabitants of the district had anything to do with the crime. He thought it must be part of that desperate system of crime in which, for some real or imaginary offence, a self-constituted tribunal, sitting at a distance, pronounced sentence, and a wretched assassin was discovered and ordered to commit the murder, he not having, probably, up to that moment ever seen or heard of his victim. Having said thus much to exonerate his county from any imputation, he would now ask Mr. Attorney General for Ireland, Whether any clue has been obtained in the matter of the late atrocious murder of Mrs. Neil at Rathgar, in the county of Dublin; and, if not, what steps Government is taking to discover the perpetrators of that crime?

THE ATTORNEY GENERAL FOR IRELAND (Mr. DOWSE) said, that before proceeding to answer the Question he begged to state that he entirely agreed with the right hon. and gallant Member who had put the Question in his prefatory remarks. He did not believe that the county of Dublin had any connection with the horrible crime that had been committed other than its being the place where the unfortunate lady met her death. The Government had taken, and were still taking, all the steps in their power to discover the perpetrator of the crime; but the right hon. Gentleman and the House would see that it was obviously undesirable at the present time to say anything more relative to the matter. He might, however, mention that a man named Terence Walsh was in prison under, the Westmeath Act, on suspicion of being accessory to the murder.

TREATY OF WASHINGTON.
RELATIONS WITH THE UNITED STATES.
QUESTION.

MR. OSBORNE: Observing, Sir, a Notice placed on the Paper prior to the Whitsun holidays by the right hon. Member for Buckinghamshire (Mr. Disraeli), proposing—

“To bring before the consideration of the House the state of our relations with the Government of the United States of America,”

VOL. CCXI. [THIRD SERIES.]

I wish to ask him, Whether he intends bringing it forward any time during this Session?

MR. DISRAELI: It appears to me, Sir, that the inquiry which the hon. Gentleman has addressed to me has arisen from a misconception of the Notice that I gave some time ago. At the time when I gave that Notice, the two countries, having entered into a Treaty to which they ascribed different interpretations, had commenced negotiations in order to arrive at some similarity of opinion. Those negotiations completely failed; affairs were at a deadlock, and I thought I was but doing my duty in asking the House to consider what were the causes of that failure, and to take such a course as might be of a remedial nature. Before, however, I could bring forward that Motion, to my surprise, and confessedly to the surprise of Her Majesty's Ministers, they found themselves engaged in fresh negotiations with the object of concluding a Treaty which would remove these difficulties. Those negotiations, so far as I am aware, have not concluded—at any rate, we have had no official announcement of their conclusion; and, under these circumstances, I certainly do not deem it consistent with my sense of public duty that I should embarrass a Government conducting negotiations by debates in this House. When we hear—which, probably, we very shortly may—from an official and authentic quarter that those negotiations have terminated, it will be in my power to consider, with the information then before the House, the whole circumstances of the case, and I shall then be able to decide what course it will be my duty to pursue. In that event, however, the only consideration which would influence me would be the public welfare.

ORDNANCE SURVEY—THE 25-INCH
SCALE.—QUESTION.

MR. WELBY asked the First Commissioner of Works, If he would state to the House on which of the grounds recently alleged by him, viz. military considerations, importance, enterprise, and the use made of the soil, Flintshire has been selected for survey in preference to Lincolnshire, and Maps of it made on the 25-inch scale which have been recently published by the Ordnance Department?

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MR. AYRTON, in reply, said, the main consideration which had influenced the Ordnance Survey Department in selecting Flintshire was that it was a mineral county. It was thought the public interest was best served by selecting counties on which the welfare of the country largely depended and which were the scene of great activity and enterprise. Moreover, a Bill was before the House—the Mines Regulation Bill—which would require the preparation of maps on a large scale. He said this without disparaging the excellence of Lincolnshire, which was eminently an agricultural county.

IRELAND—GALWAY ELECTION PETITION—THE JUDGMENT AND EVIDENCE.
QUESTION.

THE O'DONOGHUE asked the First Lord of the Treasury, If arrangements cannot be made to expedite the printing of the evidence in the Galway Election case, so that the same may be in the hands of Members early next week?

MR. GLADSTONE said, in reply, that the Government had no control over the printing of the House, but, having made inquiry, he was indebted to the authorities of the House for the information of what arrangement could be made. He was afraid it would not entirely meet the desire of his hon. Friend; but he must understand that the evidence would occupy more than 1,000 closely printed folio pages in double columns. Moreover, the shorthand notes from which the manuscript had to be transcribed had, unfortunately, been written on both sides of the paper and without any numbering of the questions. Some patience would, therefore, be requisite; but every effort would be used, and the best course would be to produce the volume in separate sections. A considerable section would be in Members' hands within a week from this time, and would probably be followed at similar intervals by at least two sections more.

TREATY OF WASHINGTON.
DOMINION OF CANADA.—QUESTIONS.

MR. GREGORY, understanding from the reports this morning, that the question of the postponement was still before the Arbitrators at Geneva, said he would postpone for a week the Questions he had placed on the Paper.

MR. GLADSTONE said, he had not been communicated with by the hon. Gentleman, and he was not aware of any reason why the Questions should not be answered at once.

MR. GREGORY said, he would, in that case, put his Questions, Whether, notwithstanding the postponement of the reference to Arbitration under Article 1 of the Treaty of Washington, he proposes during such postponement to take the necessary steps for carrying out such other Articles of the Treaty as are not directly connected with such reference; whether he contemplates that during such period the acts which may be necessary to carry out such of the Articles as relate to the Dominion of Canada, and on the passing of which the guarantee of this country for £2,500,000 is to be claimed, should be proposed to the Parliament of that Dominion, or whether the execution of such Articles is to remain in abeyance, and whether he regards the stipulations contained in those Articles as dependent upon or connected with the reference to Arbitration provided by Article 1 of the said Treaty, or whether the same are independent provisions and binding upon the parties to such Treaty whether such reference is proceeded with or not?

MR. GLADSTONE: My answer, Sir, is very simple. The Articles of the Treaty not directly connected with the reference to Arbitration at Geneva, and the execution of the Articles relating to the Dominion of Canada, have no direct connection with any question raised at Geneva. As far as the recommendation of the British Government to the Dominion of Canada is concerned, that is complete. As far as the action of the Canadian Parliament is concerned, that is complete, the Canadian Parliament having, by its own deliberate judgment, accepted for itself the Articles of the Treaty. Nothing further now can be done until on its part the Congress of the United States shall have proceeded to legislate, and, as Congress is now under adjournment and will not meet again until the winter, the hon. Gentleman will see that practically there is no connection—at any rate at the present time—between any question that has been raised at Geneva and the practical postponement of the Articles of the Treaty relating to Canada. It is only after Congress shall have performed its

part of the covenant, which it will have to consider upon its meeting again, that any question can arise with regard to the execution of these Articles. It will be at the same period that the Government of this country will have to discharge its engagement to Canada. Upon the completion of the legislation, and upon the taking effect of the entire Treaty in a formal manner, we shall propose to Parliament the guarantee of £2,500,000 which has been conditionally promised. That guarantee is contingent, as it stands in the arrangement, upon the taking effect of the entire Treaty.

MR. SPENCER WALPOLE asked, Whether the right hon. Gentleman's answer applied solely to the Fisheries question, or whether it applied also to the San Juan Boundary question?

MR. GLADSTONE: My answer did not apply to the San Juan Boundary question, for that has not been treated as part of the matters affecting the Dominion of Canada.

In reply to Mr. R. TORRENS,

MR. GLADSTONE said: My hon. Friend travels rather fast. He asks me whether we shall revive the question of damages suffered by the Fenian raids, if the guarantee be abandoned by the Government. But there is no intention whatever on the part of the Government to abandon the guarantee, and I should be very sorry to give any answer which would appear to contemplate that contingency. We are bound in honour to make a proposal in reference to that guarantee at the proper time; and I may also state to my hon. Friend that the claim for damages occasioned by the Fenian raiders, is a question entirely between the Imperial Government at home and the Government of the United States; while the claim of Canada is a claim not exclusively against the United States, inasmuch as it may be held to lie also against the Imperial Government; and the claim as against the Imperial Government is disposed of by the guarantee which we propose to lay before Parliament in due time.

FOREIGN AFFAIRS—THE PERSIAN MISSION.—QUESTION.

MR. EASTWICK asked the Under Secretary of State for Foreign Affairs, Whether Mr. Taylour Thomson has

been appointed to succeed Mr. Alison as Envoy Extraordinary and Minister Plenipotentiary in Persia?

VISCOUNT ENFIELD: Sir, the post of Envoy Extraordinary and Minister Plenipotentiary in Persia has been offered to Mr. Taylour Thomson; but the Secretary of State has not as yet heard whether that gentleman accepts the post or not.

BRITISH GUIANA—EMIGRATION.

QUESTION.

SIR CHARLES WINGFIELD asked the Under Secretary of State for the Colonies, Whether any steps have been taken upon the Report of the Commissioners appointed to inquire into the treatment of Immigrants in British Guiana?

MR. KNATCHBULL-HUGESSEN: Sir, an Ordinance, embodying the greater part of the recommendations of the Commissioners and consolidating the law relating to emigration, has been drafted, and, having been carefully examined by the Secretary of State, has been sent out to the Colony, with a strong invitation to the Court of Policy to pass it into law without delay. A further Parliamentary Paper, including this draft Ordinance and Correspondence respecting it, and the report of the Commission, is in preparation, and will be presented in a very few days.

NAVY—CHANNEL SQUADRON.

QUESTION.

MR. LIDDELL asked the First Lord of the Admiralty, Whether it is true that certain ships belonging to the Channel Squadron have been detained in Milford Haven for want of coal; and, when it is expected that the necessary supplies will arrive and so enable the ships so detained to proceed?

MR. GOSCHEN, said, in reply, that there had been a certain detention of ships of the Channel Squadron at Milford Haven; but the statement which had appeared in *The Army and Navy Gazette* to the effect that their detention was due to a fault on the part of the Contract and Purchase Department of the Admiralty was totally without foundation. The decision to send these ships to Milford Haven to coal, and that they should proceed thence to Holyhead and

Liverpool, was arrived at by himself on the 7th instant, and the information that coal was to be supplied there was given to the Contract and Purchase Department only on the following day. There was no particular hurry as regarded the ships; but there were reasons why the decision as to the destination of the Channel Squadron had not been come to until the last moment. After his decision had been arrived at, the order for the purchase of coal was given on the succeeding Monday; a portion of the coal was delivered on the Tuesday, and the whole of it on Thursday, making about 1,000 tons. Whatever blame there might be in the matter, it would attach to himself and not to the Contract Department. The ships were no longer at Milford Haven, but had arrived at Holyhead.

METROPOLIS—STORAGE OF PETROLEUM.—QUESTION.

COLONEL BERESFORD asked the hon. Member for Colchester, Whether the Metropolitan Board of Works have any power to prevent the storing of, or to compel the removal of petroleum, in and from any place within the limits of the City of London; whether, in the event of an explosion taking place at any premises where many thousand barrels of petroleum are now said to be stored, there are any precautionary measures which the Board of Works can enforce to save life and property; whether the atmosphere in the locality of petroleum is not more or less largely impregnated with vapour given off from it; what danger from explosion of the vapour of petroleum in mixture with air is to be apprehended; what destruction of life and property must be expected to result from the dense volume of black smoke which would issue from flaming petroleum in store; whether, if it escaped to the Thames, the shipping in the Thames would not be destroyed; and, whether it has been suggested by the Officers of the Board, or of the Fire Brigade Department, that immediate steps should be taken to avert such a calamity?

DR. BREWER said, in reply, that the Metropolitan Board of Works had no power to prevent the storing of petroleum to any amount in any wharf or warehouse in the City of London. The

Mr. Goschen

Petroleum Act, 31 & 32 *Vict.*, only applied to the storing of petroleum in places where it might be exposed to a temperature of 100 degrees. The Board could not enforce any measures for the protection of life and property in the event of an explosion or conflagration taking place in premises where barrels of petroleum were stored. The amount stored last week was 45,554 barrels, containing 35 gallons each, but these did not include privately stored petroleum. The head of the Fire Brigade Department wished that steps should be taken to isolate the stores of petroleum, and that a building should be constructed applicable to the storing of all petroleum.

EDUCATION (SCOTLAND) BILL—SCHOOLMASTERS.—QUESTION.

DR. LYON PLAYFAIR asked the Lord Advocate, in the event of the Education (Scotland) Bill becoming law, Whether the Treasury will be entitled, as heretofore, to pay the interest of the capital sum invested under the Act 1 and 2 *Vic. c. 87*, to the schoolmasters of Parliamentary schools until such time as the charge of their salaries comes upon the rates?

THE LORD ADVOCATE, in reply, said, he had no hesitation in answering the Question in the affirmative, and if necessary further words should be added to one of the clauses of the Bill in order to make the matter perfectly plain.

PARLIAMENT—COUNTS OUT. QUESTION.

MR. NEWDEGATE asked the Chancellor of the Exchequer, Whether it is his intention to propose for the adoption of the House the following Resolution, which was recommended by the Committee on Public Business, which sat during Session 1871 :—

“That when the House, after a morning Sitting, resumes its Sitting at Nine o'clock, and it appears, on Notice being taken, that forty Members are not present, the House shall suspend Debate and Proceedings until a quarter past Nine o'clock; and Mr. Speaker shall then count the House, and, if forty Members are not then present, the House shall stand adjourned?”

This Resolution was in accordance with one unanimously passed last Session by the Committee on Public Business, and was brought forward by Mr. Chancellor of the Exchequer, as Chairman

of that Committee, on the 26th of February last. Since then the right hon. Gentleman had withdrawn the Order for the Adjourned Debate on the Resolution, and since the withdrawal the House, on Tuesday, the 28th of May, was counted out; on the 11th instant, also a Tuesday, only one having intervened, the House was again counted out at 10 minutes past 9; and on the 18th instant, just a week after, when the House resumed at 9 o'clock, another count out took place at three minutes past 9; so that during the past month the House had been counted out on three Tuesdays out of four. Under those circumstances, he begged to submit his Question to the right hon. Gentleman.

THE CHANCELLOR OF THE EXCHEQUER: No, Sir, I have no such intention.

ARMY—CONTROL DEPARTMENT.

QUESTION.

MAJOR ARBUTHNOT asked the Secretary of State for War, Whether Her Majesty's Government are willing to assent to such a Motion as that which stood on the Paper on Tuesday 18th instant, praying Her Majesty to appoint a Royal Commission to inquire into the working of the Control Department; and, if not, whether any opportunity will be afforded for a discussion on the subject?

MR. CARDWELL: Sir, the Question of the hon. and gallant Member has been on the Paper, in one form or another, the whole Session, but has been postponed by the hon. and gallant Member from time to time. On Tuesday last my right hon. and gallant Friend (Sir Henry Storks) and I came down to discuss it, and should have shown what we trusted the House would have considered very good reasons for declining to accede to the proposal. Under these circumstances, I am not prepared, in the present state of Public Business, to apply to my right hon. Friend at the head of the Government to set aside other Business for the purpose of giving another opportunity for bringing on this discussion.

MAJOR ARBUTHNOT said, that Tuesday was the first occasion on which his Notice of Motion for a Royal Commission had been on the Notice Paper. As the right hon. Gentleman's anxiety for

a discussion had not even brought him down in time to help to make a House on Tuesday, and as he now declined to assist him ["Order!"]—

MR. SPEAKER: The hon. and gallant Member is entitled to put a Question to the Secretary of State for War with respect to the answer now given by the right hon. Gentleman; but he is not at liberty to debate the matter.

MAJOR ARBUTHNOT said, he was merely going to add that he would endeavour to find an opportunity for himself, and would therefore put the same Notice on the Notice Paper for to-morrow night on going into Committee of Supply.

ARMY—THE VOLUNTEERS.

QUESTION.

MR. NORWOOD asked the Secretary of State for War, Whether his attention has been drawn to the desirability of permitting Volunteers, who on account of business engagements are absent from their own head quarters, to be attached (with the consent of commanding officers) to corps in the neighbourhood in which they may be staying, and under proper vouchers from the adjutant of the corps to which they may be so attached, to be returned, as efficient, in the annual return of the corps to which they belong?

MR. CARDWELL, in reply, said, his attention had been directed to this subject, and in the draft of an Order in Council, to be circulated to-morrow, provision was made to meet the case referred to.

ARMY—FIRST-CAPTAINS IN THE SCIENTIFIC CORPS.—QUESTIONS.

SIR COLMAN O'LOGHLEN asked the Secretary of State for War, Whether the Address to Her Majesty, carried in the other House of Parliament by a majority of three, will prevent or delay the promised advancement of the First Captains of the Royal Artillery and Royal Engineers to the rank of Field Officers?

MR. CARDWELL: Sir, the Address is directed against an arrangement for which provision has been made by this House. I have not had the opportunity of considering with my Colleagues the Answer which Her Majesty ought to be advised to return to the Address of the

other House. I must therefore request my right hon. and learned Friend to defer his Question until Monday.

IRELAND—GALWAY ELECTION PETITION—JUDGMENT OF MR. JUSTICE KEOGH.—QUESTION.

THE O'DONOGHUE asked Mr. Attorney General for Ireland, Whether the Report of the Judgment delivered by Mr. Justice Keogh in the case of the Galway Petition, and which is to be placed upon the Table of the House, is to be the Report as it was originally taken by the shorthand writer, or that Report revised by Mr. Justice Keogh?

THE ATTORNEY GENERAL FOR IRELAND (MR. DOWSE) said, he had no official information on this subject beyond that possessed by any other Member of the House, and any knowledge he might have, had been derived not in his official capacity. A communication had been made to him by the printer of the House—who, no doubt, thought he would like to be informed on the subject—to the effect that Mr. Justice Keogh had returned the proofs with the least possible delay, and had substantially done nothing beyond making—to use the printer's own words—"typical amendments."

FRANCE—EMBARKATION OF COMMUNIST PRISONERS.—QUESTION.

MR. OTWAY asked the Under Secretary of State for Foreign Affairs, Whether he has been informed that French political prisoners have been placed by the French police on board British steamers and landed in this Country since the publication of the Correspondence between the two Governments relating to this matter, and that so lately as Friday last four prisoners from Dieppe were landed at Newhaven; and, under these circumstances, whether he will state what steps Her Majesty's Government purpose taking to insure the fulfilment of the assurances which have been repeatedly given to Parliament on this subject?

VISCOUNT ENFIELD: Sir, my hon. Friend showed me a letter about three hours ago from Mr. Knight, the General Manager of the South-Eastern Railway, stating that on the 9th instant four Frenchmen, and on the 15th instant six Frenchmen, had been put on board the

Mr. Cardwell

English steamer at Dieppe and landed at Newhaven, presumably by the French police. The Secretary of State's attention was at once called to this matter, and a despatch has been this evening sent to Lord Lyons, requesting him to bring this report immediately under the notice of the French Government. As it is stated that some of these men paid their own fares up to London, it is possible that there may have been some mistake in the statement that they had been forcibly deported by the French authorities.

EDUCATION (SCOTLAND) BILL.—[Bill 31.]
(The Lord Advocate, Mr. Secretary Bruce, Mr. William Edward Forster.)

COMMITTEE. [Progress 18th June.]

Bill considered in Committee.

(In the Committee.)

VI. — MISCELLANEOUS — INSPECTION—
CONSCIENCE CLAUSE—COMPULSION, &c.

Clause 66 (School boards to provide elementary education for poor children).

MR. CRAUFURD rose to move, in page 25, line 22, to leave out "school," and insert "parochial," his object being much the same as that of his hon. Friend the Member for Westminster (Mr. W. H. Smith)—namely, to charge the parochial board, and not the school board, with the duty of providing for the education of the children of poor parents. The difficulty that struck him was this—By the clause as it now stood they were either making two classes of paupers, or they were handing over to school boards the decision of a matter which they had no means of determining—namely, the ability of parents to pay for their children's education.

MR. W. H. SMITH said, that the school board as a body was not so constituted as to be able to decide whether parents could pay or not. Boards of Guardians and the parochial boards in Scotland were much better adapted for doing so. He was aware that the Amendment would stigmatize as paupers such persons as could not afford to pay for the education of their children; but there was no help for that, and the number of such persons would be exceedingly small. In London the School Board hoped that, even when the compulsory system was in force, they would not be led into the payment or remission of school fees

to any considerable extent; but this remission should be allowed by Boards of Guardians rather than by school boards. He had placed on the Notice Paper an Amendment to the same effect, and he should support, not the words, but the principle of the Amendment of the hon. and learned Gentleman.

MR. MILLER said, he hoped the Lord Advocate would agree to the Amendment. The school board had not the means of inquiring into the circumstances of parents. The parochial board was the proper authority for satisfying the ratepayers that school fees should be remitted.

SIR EDWARD COLEBROOKE supported the Amendment, though he thought that of the hon. Member for Westminster (Mr. W. H. Smith) preferable.

MR. DIXON doubted whether there would be any satisfactory solution of the difficulty except by means of free schools. He did not intend, however, to vote for the Amendment, and hoped the Government would adhere to the clause in its present form. Parliament would not solve the religious difficulty by adopting the course now proposed, for there was no difference in principle whether the school fees were paid by the parochial boards or by the school boards, the ratepayers having to provide the funds in both cases. When the Education Act of 1870 was under discussion many hon. Members dwelt with great force on the pauperizing effect of forcing poor parents to claim a remission of school fees, and it was distinctly stated in that Act that the payment of school fees was not to be considered poor relief. His hon. Friend who proposed the Amendment no doubt thought the effect would be the same in both cases; but he did not concur in that view. The class of persons who went before the Poor Law Guardians were known as paupers; but they were now dealing with a class which was quite distinct from the pauper class—with hundreds and thousands of widows, for example, who were struggling energetically against pauperism, and whose great aim it was to avoid any connection whatever with the Poor Law, with persons who had seen better days, and who shrank from the idea of applying to a relieving officer. The question of compulsion was an extremely difficult one, and the greatest tenderness should be

shown in carrying it out, and the Amendment would increase the difficulties attending its application. Nothing could be more oppressive than to compel such a deserving class of widows as he had referred to to place themselves in the position of paupers.

VISCOUNT SANDON supported the Amendment. Under the new system of school boards a very extensive double machinery was created for the purpose of inquiring into the pecuniary position of parents, and to test their capability of paying school fees for the education of their children. That was a state of things which he believed could not last. There were a set of officers watched by the school boards who delegated their duties to district committees, and was it not, he would ask, highly probable that those committees would take a very lenient view of the pecuniary position of those with whom they would have to deal? His own experience of the London School Board led him to believe that the greatest evils were likely to ensue from having two concurrent bodies administering funds in the same locality.

DR. LYON PLAYFAIR expressed himself as being greatly alarmed at the probable operation of the 66th and 67th clauses of the Bill. The 67th clause, in reality, though that might not be the intention of the Lord Advocate, gave an invitation to everyone who considered he would be benefited by the fees to go to the school funds. The result would be the pauperizing of education in Scotland, than which he could conceive no greater evil. He thought the Amendment open to the objections which had been urged by the hon. Member for Westminster, but then its spirit ought, in his opinion, to receive the sanction of the House.

MR. MELLY, in supporting the Amendment, observed that, in the case of such great towns as Manchester and Liverpool, it had been found a great evil to have two large staffs acting separately in relation to cases of poverty.

THE LORD ADVOCATE said, by the existing Poor Law of Scotland, it was the duty of the Poor Law authorities—and it was a duty which was very well performed—to provide education for the children of paupers in country parishes, and the same thing had been done to a considerable extent in towns. Undoubtedly, there were cases—they were

comparatively few—in which parents who were not paupers could not bear the burden of being compelled to pay school fees, and at the same time losing the benefit of their children's services, and he thought it would be rather hard to compel all such persons to have recourse to the Poor Law; while, on the other hand, if the school board authorized them to send their children to school without paying the fees, the children would have the benefit of education without there being any sense of degradation in the matter, and he apprehended it was most in accordance with the sense of the House that in certain cases compulsion should be carried out without the parents and children being branded as paupers. He had endeavoured to provide that there should be no unnecessary pressure on the rates. The duty was in the first instance put upon the parents to send their children to school; but if they did not perform that first duty they must then go to the school board and explain that they were unable to discharge it on account of poverty. That was the meaning of the 67th clause, and not the least invitation was held out to parents to induce them to receive money when it was not required from the school board. Under all the circumstances he had stated, he hoped the Amendment would not be pressed.

MR. ORR EWING regretted that the Government did not intend to adopt the Amendment. He thought that what his hon. Friend (Mr. Craufurd) said was perfectly true—namely, that the parochial board would have the best means of knowing all the circumstances connected with the child. But then the Lord Advocate said this would only reduce the children to the condition of paupers, and he wished to maintain their independence. The Lord Advocate had pursued rather an inconsistent course, considering that when he (Mr. Orr Ewing) brought forward a Motion to relieve the parents who lived in houses of a low rent from paying for education in Scotland, the right hon. and learned Gentleman said the people of Scotland would willingly pay these rates.

SIR ROBERT ANSTRUTHER said, he thought it a great pity the Government did not accept the spirit of his hon. Friend's Amendment. The opinion of the House, as far as he was able to gather, was in favour of accepting the

The Lord Advocate

spirit of the Amendment. How was the school board to ascertain who the children were unless they applied to the parochial board? Therefore the Lord Advocate proposed to do by two steps what his hon. Friend proposed to do in one. The fact could not be concealed that there were pauper children whose parents could not supply them with the necessities of reading, writing, and arithmetic. They all knew that the religious difficulty as regarded the question of payment of fees to denominational schools had been mixed up with the schools boards. The present proposal, however, would place the whole matter on a new platform, and relegate all these difficulties to the parochial boards, and the effect of making the change would be to relieve them from the whole of the odium this subject had brought upon them. He would point out to the Government that a large portion of the Scotch Bill was an experiment. They believed it would work well; but surely the Government were not beyond taking advice from practical men like the hon. Member for Westminster (Mr. W. H. Smith.) He ventured to suggest that the Government should accept the spirit of the Amendment, and undertake to bring up a clause to give it effect upon the Report.

MR. M'LAREN believed that the remarks of the noble Lord the Member for Liverpool (Viscount Sandon) had exhausted the whole argument on the question. If the duty of making inquiries as to who were entitled to be relieved from the payment of fees were placed in the hands of persons unaccustomed to make such inquiries, the effect would necessarily be that persons having no right to be exempted would be excused from payment.

MR. COLLINS conceived that the adoption of the Amendment would go far to put an end to the religious difficulty, and he hoped that the Government would agree to it.

THE LORD ADVOCATE said, he would not resist what appeared to be the opinion of the House, and he was, therefore, disposed to assent to the substance of the Amendment; but he thought that the object of the hon. Member for Ayr (Mr. Craufurd) would be more satisfactorily attained by omitting the 66th clause, and adopting in Clause 67 the first part of the Amendment of the hon. Member for

Westminster (Mr. W. H. Smith), requiring, in case of necessity, application to be made to the parochial board for the payment of the school fees, and directing that board, upon such application being made, to pay out of the poor fund the ordinary and reasonable fees.

Amendment, by leave, *withdrawn*.

Clause *struck out*.

Clause 67 (Parents to provide elementary education for their children).

MR. M'LAREN moved to make the limits of age of children to be sent to school from 6 to 12, instead of from 5 to 13, as proposed by the Lord Advocate. Five years was too young an age, he contended, for a child to be sent to school.

THE LORD ADVOCATE said, it would be necessary to make several alterations in the clause, and he promised, therefore, to take up this question on the Report.

Amendment, by leave, *withdrawn*.

MR. W. H. SMITH then moved in line 33, after "therefore," insert—

"to apply to the parochial board of the parish or burgh in which he resides, and it shall be the duty of the said board to pay out of the poor fund the ordinary and reasonable fees for the elementary education of every such child, or such part of such fees, as the parent shall be unable to pay, in the event of such board being satisfied of the inability of the parent to pay such fees."

MR. DIXON asked the hon. Member for Westminster whether he meant that the school boards should pay the school fees for the parochial board, or whether the parish authorities of one parish were to pay to those of another?

MR. W. H. SMITH said, he meant that the parochial boards should pay the ordinary fees of the schools to which the children shall be sent.

Amendment *agreed to*.

MR. COLLINS then moved the addition of the following words:—

"No such payment shall be made or refused on condition of the child attending any school other than such school as may be selected by the parent."

The hon. Member said, that the question involved in this Amendment was a wide and important one, and it had already more than once attracted the attention of the House. What he wanted the Committee to do was to say that where a poor person was in that position that he could not pay for the education of his children it should be left to him to de-

termine to what school his boy or girl should be sent. He wished to enforce parental responsibility, and he did not see why the same facilities should not be given to the minority in the large towns of Scotland as had been conferred upon the minority in England. In gaols prisoners, and in the Army soldiers, had the privilege of selecting their chaplains; and where there were two schools side by side receiving the support of the Government the children of parents belonging to the minority should have their religious feelings respected.

Amendment proposed,

At the end of the Clause, to add the words "but no such payment shall be made or refused on condition of the child attending any school other than such school in receipt of the Parliamentary grant as may be selected by the parent."

—(Mr. Collins.)

Question proposed, "That those words be there added."

THE LORD ADVOCATE looked upon the Amendment as proposing that the Poor Law authorities shall pay for the education of paupers at any school the paupers might select. According to the Amendment, the pauper parents should be at liberty to select any inspected school they chose, and the Poor Law authorities should have no voice in the matter at all. He must dissent altogether from that proposition; and he must also dissent from the Amendment on the Paper by the hon. Member for Edinburgh, to the effect that the parents should have no voice in the matter. Both these extremes were vicious. Hitherto the reasonable wishes of the parents had been respected, and there was every ground for believing that there would be no difference in the future. If there were two schools equally eligible for the education desiderated, the one desired by the parent on religious or other grounds would commonly be selected. But that the parent should be allowed to dictate to the rating authority to what school the child should be sent, without any reference to convenience, was altogether out of the question. The Government desired to maintain the perfect liberty to reserve to the Poor Law Board to do that which was just and right, and which was in accordance with good feeling, in individual cases as they might arise. He felt he must vote against the Amendment.

SIR EDWARD COLEBROOKE said, the statement of the Lord Advocate might probably settle the question without going to a division, because it was evidently the desire of the Government that in all these matters the reasonable wishes of the parents should be consulted. They were now opening a new chapter in Poor Law administration by introducing this new provision; but it would not be possible to carry it out unless the wishes of the parents were consulted. He was far from saying that every captious wish could be consulted; but in any case it was clear that the Board of Supervision had laid down a principle which rendered this Amendment unnecessary.

MR. J. G. TALBOT said, the Amendment of the hon. Member for Boston (Mr. Collins) merely extended the 25th clause of the English Act to Scotland, to which the House could have no objection.

MR. TREVELYAN said, this was not so; but that, whereas the English Act obliged the school boards to pay the fees when they sent children to a school not their own, this Amendment would oblige the boards to pay for children being educated in a school of the parents' choice, although the board schools might be empty.

MR. ORR EWING asked how would it be if a school board sent a child to a school in a parish where there were only secular schools, and where a minority wanted a religious education for their children?

SIR ROBERT ANSTRUTHER said, it was quite true that evidence had been before the Committee by Roman Catholic clergymen on the subject referred to by the hon. Member for Dumbarton (Mr. Orr Ewing), but those gentlemen were unable to give one single instance in which the consciences of the Roman Catholic children or their parents had been offended by the action of the parochial board, and therefore the argument of the hon. Member completely broke down.

Question put.

The Committee divided:—Ayes 166; Noes 178: Majority 12.

MR. M'LAREN moved, at the end of the clause, to add—

"Provided, the school board shall pay fees only for the elementary education of such poor children as attend the public schools."

THE LORD ADVOCATE said, that he had already spoken on this Amendment, and that he did not intend further to refer to it.

MR. CRAUFURD hoped the hon. Gentleman would not press the Amendment.

MR. CANDLISH suggested that as the view of the House on the subject had been indirectly expressed in the division which had just taken place, the wiser course to adopt would be to withdraw the Amendment.

MR. COLLINS was in favour of the Amendment being negatived rather than withdrawn.

Amendment negatived.

SIR DAVID WEDDERBURN moved to add—"And the provisions of this clause shall apply to the education of blind children."

Amendment agreed to.

Clause, as amended, agreed to.

Clause 68 (Defaulting parents may be proceeded against).

MR. SCOURFIELD moved, in page 25, line 39, leave out "it shall be the duty of," and after "board" leave out "to," and insert "may at its discretion." He strongly objected to any increased severity in the penal and compulsory enactments. By the clause as it now stood the Board was authorized to summon any parent, and require from him information and explanation respecting the failure of his duty with regard to the education of his children, and prosecute him before the Sheriff; and on conviction such person was rendered liable to a penalty of £5 or 30 days' imprisonment. He thought it would be a sufficient and more severe punishment to compel the offender to listen to a lecture of one, two, or three hours from a member of the board on the blessings of education.

MR. J. LOWTHER pointed out the arbitrary character of this preposterous enactment, which provided that it should be the duty of every school board to appoint an officer to ascertain and report to the board what parents, resident within the parish or burgh, had failed and omitted to provide elementary education for their children, and they would be rendered liable to prosecution if they did not satisfy the board that they had not failed in such duty without reason-

able excuse. Thus a parent might be summoned before a kind of Inquisition, or Star Chamber, and cross-examined with a view to the institution of legal proceedings against him. This was neither more nor less than the old French system, which had been denounced from time immemorial in this country. The corresponding clause in the English Act was couched in far milder language, and, moreover, he did not believe any proceedings had been taken under it. At all events, he was certain no person had been sent to prison for infringing the English Act, because this was a free country, where every man ought to be at liberty to know as much or as little as he pleased. He protested against cramming information down people's throats with a policeman's staff, and trusted the Committee would eventually assist him in removing this element of compulsion from the Bill.

SIR ROBERT ANSTRUTHER remarked that in the present instance his hon. Friend the Member for York (Mr. J. Lowther) had exercised the freedom of which he spoke, and had elected to remain ignorant of the educational requirements of the people of Scotland. If there was one thing they wanted more than another it was this compulsory clause, and he hoped the Government would not be seduced into giving it up by the arguments of hon. Gentlemen opposite.

MR. F. S. POWELL desired to see a universal system of compulsion established both in England and Scotland, as the time had passed when parents should be allowed to bring up their children in ignorance; but, nevertheless, he objected to the present clause because it was unnecessarily inquisitorial and vexatious in its character. However, if the Scotch Members did not object to it, it was not for him as an English Member to interfere.

MR. COLLINS protested against the doctrine that if the Scotch people chose to have the clause Englishmen ought not to say anything against it. Every English Member of the House was interested in seeing that no precedent was adopted for Scotland which might afterwards injuriously be applied to this country.

MR. BAILLIE COCHRANE thought it strange that a Liberal Government should bring forward so many tyrannical

measures. This was about the most tyrannical clause he had ever seen in a Bill.

THE LORD ADVOCATE urged that they could not compel a person to do anything without coercion; and, having determined that it was necessary, the next question was, what amount was sufficient for the purpose? As to the Amendment now before the Committee, he did not think it should be left at the discretion of the board to act in the matter as they thought fit, and it was not too strong language to use for the purpose to say that it should be their duty to give attention to the point, and to see that children were not left uneducated through the culpable neglect of their parents. The hon. Member for York (Mr. J. Lowther) quite misapprehended the effect of the clause, which would inflict no hardship on parents, but was conceived in kindness and tenderness towards them. An opportunity was afforded to the parent by the clause of explaining why he had not sent his child to be educated, and the fiat for his prosecution could only issue upon his failure to attend the request or summons of the board to appear, or, upon his appearing, his failing to give a satisfactory explanation.

MR. BERESFORD HOPE said, the clause, as a penal one, was of interest to England as well as Scotland. Its object was to create a moral feeling, and that could not be done by pains and penalties. He was much surprised to hear the learned Lord Advocate say that the latter part of the clause was drawn in tenderness and kindness. He (Mr. B. Hope) knew that Scotch legal phraseology was very strange to the southern mind; for what was termed to "justify" a man in Scotland, meant in England hanging him. Even taking such differences of terms into consideration, he was not prepared to hear the words tenderness and kindness applied to the clause. If the Committee passed this clause they would make the idea of education odious, and place reading and writing in the category of things which were looked upon as simple tyranny.

MR. ORR EWING quoted the Report of Dr. Frazer (Bishop of Manchester) on education in America, to show that, in spite of pains and penalties, a large amount of truancy and absenteeism existed there; and he asked whether this

clause could not be amended so as to make it less stringent. If it were passed in its present form no school board could work it. It had better be made less stringent in order that it might be universally carried out.

MR. J. LOWTHER suggested the withdrawal of the Amendment, in order that he might raise the whole question of compulsory education at a subsequent stage in an Amendment expunging all the objectionable words of the clause.

MR. SCOURFIELD, who said his object was to facilitate the operations of the boards, said he had no objection to withdraw the Amendment.

Amendment, by leave, *withdrawn*.

MR. ANDERSON moved, in page 26, line 9, leave out "the board is hereby authorized," and insert "it shall be the duty of the board." He contended that if it was not made compulsory upon the board to summon the parent whose child was not attending school, it would not be done.

THE LORD ADVOCATE said, the construction he put upon the clause in its present form was, that it would be the duty of the board to inquire into every case of non-attendance, and no doubt this would be done, and it would be too stringent to enact that in every case the parent should be summoned. The Committee should have confidence that the boards would carry out the intention of the Act without directing them at every stage that they must do certain things compulsory.

SIR GRAHAM MONTGOMERY thought considerable difficulty would be experienced in some parishes in getting a suitable person to prepare a list of all children not attending school.

SIR EDWARD COLEBROOKE did not think any such difficulty would be felt, and he agreed with the Lord Advocate that it would be unwise to compel the board to summon the parent in every case.

MR. W. E. FORSTER said, he hoped the hon. Member would not press his Amendment to a division, but would rather leave the matter to the discretion of the school boards. In many of the large towns in England legal proceedings had been instituted with the greatest possible benefit, but they were not compulsory. Under the English Act the school boards picked out the worst cases,

Mr. Orr Ewing

in which they took proceedings against the parents, and the moral effect of their action in those cases rendered it unnecessary to proceed in the other cases. He thought to compel the boards in Scotland to summon in every case would have an injurious effect upon the working of the Bill.

MR. KINNAIRD said, when he first saw the Amendment he was prepared to support it; but after what had been just said, he did not think it would be wise to draw the string too tight at first.

MR. CRAUFURD said, the clause without the Amendment would only provide for permissive education; whereas the understanding had been that the Bill should give absolute compulsion uniformly. It had been stated that there were 90,000 children in Scotland who received no education. The greater part of that number were probably in Glasgow, and none of them would be sent to school unless stringent compulsory powers were given to the boards.

MR. GRAHAM remarked that, if the statement just made was correct, it showed that it would render the whole clause inoperative to compel the boards to summon the parents of 90,000 children.

MR. ANDERSON said, if there was one thing more than another upon which the Scotch people had determined, it was that—right or wrong—they would make a fair trial of absolute compulsion, and they altogether objected to the permissive compulsion of the clause as it at present stood.

Amendment *negatived*.

MR. F. S. POWELL moved to insert "alleged" before the word "failure" in line 12, in order to modify the language of the clause and make it accord with general usage.

THE LORD ADVOCATE objected to directing the board to take proceedings upon a mere allegation.

Amendment, by leave, *withdrawn*.

MR. ORR EWING moved, in page 26, line 26, leave out "five," and insert "one." Line 27, leave out "thirty," and insert "three."

THE LORD ADVOCATE said, he thought, perhaps, the penalties in the clause were a little too high, and therefore he would consent to reduce the £5 to £2, and the 30 days to 14 days.

MR. ORR EWING still thought the penalties too high.

MR. CRAUFURD objected to any reduction. Amongst the mining population many men were receiving between £3 and £4 per week, much of which was squandered in drink, and they would willingly pay a couple of pounds rather than send their children to school.

MR. M'LAREN reminded the Committee that penalties of 40s. were considered to be sufficient for many serious offences, and asked why a poor man should be made liable to pay a much larger amount for neglecting to comply with this provision.

MR. J. G. TALBOT said, he should leave it to the Scotch Members to settle amongst themselves what the money penalty should be; but he should certainly take the sense of the Committee on the proposal to imprison. There was no such enactment in the English Bill, and he objected to its introduction into the Scotch Bill.

MR. FORDYCE wished to ask the Lord Advocate what was to become of these penalties, and also whether the expenses of the Procurator Fiscal were to be defrayed by the board, or considered included in their salaries, as, if the former, he strongly objected to such expenditure being thrown on local rates?

MR. F. S. POWELL said, the penalty in the English Act was 5s. and costs, and the parent might be summoned again next day; while in this Bill an interval of six months must elapse before a second prosecution could take place; therefore it was necessary the penalty should be higher.

The words "five pounds" were then struck out, and "forty shillings" inserted.

MR. J. G. TALBOT then moved to omit that part of the clause which enacted imprisonment.

Amendment proposed, in page 26, line 26, to leave out the words "or to imprisonment not exceeding thirty days."
—(*Mr. J. G. Talbot.*)

Question proposed, "That the words 'or to imprisonment' stand part of the Clause."

MR. W. E. FORSTER said, if a man did not pay his fine, he might be sent to prison under the English Act.

MR. J. G. TALBOT said, he was aware that such was the case; but the proposal in this Bill was that there should be a discretion to fine or imprisonment, and it was that to which he objected. He should not be opposed if the imprisonment was only to follow upon the non-payment of the fine.

Question put.

The Committee *divided*:—Ayes 63; Noes 27: Majority 36.

THE LORD ADVOCATE moved to strike out 30 days, and insert 14 days.

MR. CRAUFURD said, they were imposing a duty by Act of Parliament, and if those on whom it was imposed failed to perform it, they would commit a misdemeanour which was punishable by the ordinary law of the land by fine and imprisonment. The present clause was really a limitation of the penalty. He did not know why the learned Lord wished to limit the maximum to 14 days; for his part he would rather leave it as it was.

MR. WHEELHOUSE, on the other hand, would rather fix it at 7 than 14 days.

Amendment *agreed to*.

MR. C. S. PARKER wished to ask the learned Lord a question with respect to the Bill of last year—which formed a sort of appendix to the Education Act—the Industrial and Reformatory Schools Bill. He wanted to know whether the learned Lord had considered the question, and whether, under this Bill, the school board had sufficient power to spend money in sending criminal children to reformatory schools? In a densely populated city like Glasgow they would be sure to find many children in the streets who were not fit to be sent to the ordinary schools under the school board.

MR. R. W. DUFF also inquired what was to be done with the fines levied under this Act?

THE LORD ADVOCATE said, that he had fully considered this Bill with reference to the measure of last year. The Industrial Schools Act already gave power to magistrates to deal with children brought before them, and he thought that this Bill had at present quite as much as it could carry. Therefore, he he did not propose to insert a clause giving the school boards power to send children to a reformatory or industrial

schools. With respect to the penalties, there was an express provision that they should go to the Exchequer. The question of the expense of the prosecution was dealt with in the next clause, and it was provided that such expenses as were not recovered from the defaulting persons should be paid by the school board.

MR. SCOURFIELD said, that after the division which had been taken, he would not trouble the Committee to divide against the clause; but he reserved to himself the right of doing so on the Report should he think fit.

On Question, "That the Clause, as amended, stand part of the Bill,"

MR. M'LAREN thought that there was some injustice in making the school boards pay the expenses of prosecutions and not allowing them to receive the fines.

THE LORD ADVOCATE moved to add at the end of the clause the words—"All fines recovered under this clause shall be paid into the school fund."

MR. M'LAREN said, that although the machinery for recovering the penalties under the Bill was described as summary, it would be somewhat expensive. Taking into consideration the charges for the summons, the witnesses, and the officers, each case would hardly cost less than 30s. He thought that this being in the nature of a penal Act, the Procurators Fiscal should conduct the prosecutions as part of the duty of their office.

Clause, as amended, *agreed to*.

Clause 69 (Method of Procedure) *agreed to*.

Clause 70 (Employers of children to act as parents. Parents not exempted from liability).

DR. LYON PLAYFAIR said, that, according to the terms of the clause, if an infant entered an infant school at the age of three and remained until six, the employer would be relieved from all responsibility. But it could not be thought that an infant would have received sufficient education in that time. He would therefore propose to insert in page 27, line 7, after "years" "consecutively between the ages of five and thirteen."

Amendment *agreed to*.

MR. KAY-SHUTTLEWORTH moved, in line 7, after "years" to leave

The Lord Advocate

out "and," and insert "or who having so attended school," his object being to prevent the employer from being relieved from all responsibility if the child could merely read and write. He should be sorry to see the standard of education limited to the arts of reading and writing. Certainly, if a child could not read and write after being at the school for three years, he ought to go back again.

THE LORD ADVOCATE said, that he sympathized very much with the proposal, and was far from saying that the standard of education should be the mere ability to read and write; nor would he exonerate an employer who took a child into his employment merely because he could read and write. At the same time, he pointed out that, in a Bill which created offences and inflicted penalties, it would not do to make the clauses too stringent, and he would point out that, as the clause now stood, it did not absolutely prohibit a person from employing a child who had not been three years at school, and who could not read or write, but it made the master subject to all the liabilities to which a parent was subject, and that was what they were aiming at. The only reason he had for rejecting the Amendment was that it was proposed to render still more stringent a penal clause passed for the establishment of a compulsory system.

DR. LYON PLAYFAIR thought that precisely the same arguments might be used against the Factory Bill.

Amendment *negatived*.

MR. ORR EWING moved the omission of the clause, on the ground that if it were retained and acted on it would be impossible to carry out the provisions of the Factory Act. Employers of labour required, in order to avoid the penalties of that Act, to keep two sets of children, whereby the one set, who were at work during the forenoon, were educated during the afternoon; and those who were at school in the forenoon were at work in the afternoon. But employers of labour might be imprisoned under this clause.

THE LORD ADVOCATE said, that only those manufacturers who were censurably contumacious would be subject to penalties, because the clause provided that such penalties should only attach to masters who continued ignorant children

in their employment after notice from the school board.

MR. ORR EWING said, that a child might come to an employer at eight or nine years of age, and his education might have been neglected up to that time. Was the employer of the child to be punished because the child's education had been neglected for the three preceding years?

MR. SCOURFIELD said, the tendency of recent measures, especially during the present Session, was to subject all mankind to penal legislation. If anybody were called on to portray the advancing civilization of England, it might be fitly conveyed by the representation of a large prison.

Question, "That the Clause, as amended, stand part of the Bill," put, and *agreed to*.

Clause 71 (Exemptions).

MR. GRIEVE moved the omission, in page 27, of words which provided that a certificate of regular attendance at a public school, or a school subject to inspection, during a period of not less than six months in each of three successive years, shall exempt the parent, and all employers of the child, from any prosecution or other proceeding under this Act. The only proof of education which would exempt an employer would, therefore, be a certificate of ability to read and write, and of a fair knowledge of elementary arithmetic under the hand of one of Her Majesty's Inspectors, or a teacher of a school authorized by one of Her Majesty's Inspectors.

THE LORD ADVOCATE said, that his object in inserting the words objected to was to meet the case of a very rare occurrence—that of employers employing children who had been at certain schools for three years, but who would not learn to read or write. He was assured that such cases were so very rare that it was not worth while to provide for them, and he would not therefore resist the Amendment.

Amendment *agreed to*.

SIR JOHN LUBBOCK moved, in line 21, to leave out the words "of ability to read and write and of a fair knowledge of elementary arithmetic," and to insert instead, "instruction according to a standard which may be fixed from time

to time by the Education Department."

He contended that the provision as it now stood would not secure an education at all, for it would be a mockery to call mere reading, writing, and arithmetic by that name. These three things were merely the foundation upon which an education could be built. He might, no doubt, be told that this was merely a provision exempting the parents of the children from punishment in the event of these things provided for having been learned; but he was afraid that the enactment would give a tone, or rather a want of tone, to the standard of teaching in all schools throughout Scotland. He thought that it would be much better to leave the standard according to which a certificate of ability should be granted to the discretion of the Education Department, so that they could from time to time raise the standard. He feared that the standard of teaching in the English schools was very much influenced for the worse by the necessary standard having been fixed too low, and he hoped that such a system would not be introduced into Scotland, which had been so long and so justly celebrated for the high standard of teaching in her national schools.

DR. LYON PLAYFAIR remarked that they had already passed a compulsory law for Scotland, and there could be no greater tyranny than to insist upon the attendance of children at school for a certain number of years, and yet only to provide for their being taught reading, writing, and arithmetic. The moment they had compulsion they were bound to have higher education. What his hon. Friend proposed was nothing more than what was in the English Bill, which provided for a definite standard of education, and surely no one could say that reading, writing, and arithmetic was any definition of education. He repeated that it was nothing short of tyranny to connect compulsory attendance with the miserable standard fixed by the clause.

MR. SCOURFIELD thought that the tyranny would rather be in punishing parents for not having their children educated up to a standard which would be in itself fluctuating and uncertain.

MR. M'LAREN also opposed the Amendment. He remarked that the Bill was one of pains and penalties, and if those were to be inflicted, it was

necessary that the standard should be well known and defined.

MR. KAY-SHUTTLEWORTH was surprised at the opposition to the Amendment, when the principle of it was precisely the same as was embodied in the English Act. He must protest against putting into an Act of Parliament a provision that education was to consist of merely reading, writing, and arithmetic. He hoped the Lord Advocate would accept the words proposed by the hon. Baronet the Member for Maidstone (Sir John Lubbock).

THE LORD ADVOCATE observed that it was not intended by the present clause to define education, the clause only referring to children under 13 years of age, and providing an exemption for parents and employers from liability to prosecution in cases where a certificate was granted that the children could read and write and had a fair knowledge of arithmetic. It would, however, be a serious matter to sanction an impression that by means of penalties children should be compelled to receive the higher class of education. He was as strong an advocate for the higher education as the hon. Member; but he hoped he would not press his Amendment to a division.

MR. DALGLISH supposed that it could not enter into the imagination of any one that all children in all districts should be educated up to a point to be fitted to go to the University. All the Committee had to consider was that the child should be so educated that he should become a good member of society afterwards. A certificate that he was educated up to that point was all that could possibly be required, and that was to be able to read and write and to understand a certain amount of arithmetic.

MR. DIXON said, that what was required was that security should be given not for what they should be taught at school, but what they should retain in after life. They found from statistics that children who left school at the ages of 10, 11, and 12, and who only possessed a knowledge of reading, writing, and arithmetic, in the space of a few years after they had left school entirely forgot what they had learnt, and it was against that that Parliament had to provide, but it could not be obtained by the clause. In Germany the children were all well educated. The Germans retained their education, and the country was pro-

gressing at a pace little known in this country. They were our competitors in commerce, as they were the competitors of France in war. They conquered France in war, and they would conquer England in commerce if we did not care more about the education of our people. In Germany children remained at school from 6 to 14 years of age, and it was expected that the child should benefit by the seven years of education, which was the fact, and he attained a point of knowledge that was never gained in our elementary schools. The exemption asked for was a most reasonable one, and if it did not exist in England it ought not to exist in Scotland.

SIR EDWARD COLEBROOKE objected to the Amendment, for he had long held that in Scotland the means of education were sure to produce their proper effect. He thought the clause somewhat vague, and it certainly acquired amendment. By whom was the certificate of proficiency to be given? Why should it be left to the master of the school? Why not restrict it to an Inspector of schools? He wished the Government would confine the operation of this clause in the same way as it was in the English Act.

SIR JOHN LUBBOCK thought the Lord Advocate did not quite appreciate the object of the Amendment. He objected to lay down so low a standard for time to come as that no child should be forced to attend school who was merely acquainted with the rudiments of reading, writing, and arithmetic. He would rather leave the standard to the discretion of the Education Department. The Lord Advocate truly said that reading, writing, and arithmetic did not constitute education. In this he quite agreed; but it followed that if the Lord Advocate was right, this was not a Bill for compulsory education at all. He did not ask to have a higher standard carried out at once; but he wished the power to be taken to raise it whenever it appeared possible to do so. He asked the Committee to carry out the principle advocated by a Royal Commission and a Committee of that House, both of which had carefully inquired into the circumstances of the case.

DR. LYON PLAYFAIR did not see why this clause should be so much inferior in value to that in the English Bill. By this clause a definite standard

of education was fixed. What did that mean? The Committee of Council had several times changed the standard of education, but here the standard was fixed for all time; whilst the English Bill had the advantage of having occasionally a change of standard as circumstances might demand.

MR. GLADSTONE admitted that the authority recommending this Amendment entitled it to the most respectful attention; at the same time, it was not a Scotch authority. The Government, in the matter of compulsion, had been encouraged in this Bill to go very much beyond what had been attempted in the English Act. The English Act provided only for permissive compulsion, thereby leaving it to the judgment of the local authorities to determine if there need be compulsion or not, with the conviction in the minds of the Government that if the law remained as it was a considerable time would probably elapse before compulsion would be universal over England. In Scotland, however, the Government felt they were justified, in a great degree, in laying down immediate compulsory education, because they were encouraged to come up to that point by the sentiments and convictions of the people of Scotland, as expressed by the Representatives of that country. If they were to go by the opinions of those Representatives, they must have a compulsory enactment. His hon. Friend who had just sat down, and who adorned the seat for the University he occupied, was not immediately and directly the expositor of the popular voice of Scotland on this matter, because he spoke in behalf of a learned constituency. The objection taken by his hon. Friend was to the words which gave exemption from compulsion, not only in respect of children who obtained an Inspector's certificate, but also of those who received a certificate granted by any of the teachers of the schools. Upon consideration, the Government were disposed to give up these words, and to limit the power of giving a certificate which would exempt the parent to cases in which the certificate was given by one of the Inspectors. He fully admitted that it was most desirable that the certificate should be a perfectly substantial one. The point, however, on which he joined issue with the one of his hon. Friend was the doctrine that it was better to leave this matter to the discretion of

the Department of Education. If they were to stand to the letter of the English law, it would be open to the objection that the Department might fix a lower standard of education, and insist upon it. So far from thinking that leaving this matter to the discretion of an Executive Department was an advantage, he thought it would be exactly the reverse. They were then dealing with the penal portions of the Act. It was not that they wanted to punish parents because their children did not learn a certain quantity at school. They were laying down a certain amount of penal liability for the parents, and it was demanded by justice and policy that the sphere within which parents may be liable should be strictly defined, and not dependent upon the discretion of any Executive Department. It was necessary that they should speak in plain language, and it would not be satisfactory to the people themselves if the reasons why they were exempted were not stated in clear language.

MR. GORDON concurred generally in the views just expressed by the right hon. Gentleman, but maintained that the hon. Member for the University of Edinburgh (Dr. Lyon Playfair) was, directly as well as indirectly, an expositor of the educational views of the people of Scotland. The opinion stated by that hon. Member as to the deteriorating effect which the Bill would have upon the higher branches of education correctly represented the feeling existing in Scotland, even among the humbler classes. It might be impossible to give the higher education to the great mass of the people who attended the schools; but still the good which the schools in Scotland had done towards those of the humbler classes who had shown a capacity to benefit by the higher education had been very great, and it was to be hoped that, whatever measures Parliament adopted, those classes would still continue to receive similar advantages.

Amendment, by leave, *withdrawn*.

On the Motion of The LORD ADVOCATE the word "fair" was omitted from line 22, as were also the words "or by any teacher of such school authorized by one of Her Majesty's Inspectors," in line 24.

On Question, "That the Clause, as amended, stand part of the Bill,"

MR. DIXON opposed the clause after the speech of the Prime Minister, because it was clear, from what the right hon. Gentleman had said, that if that clause was passed for Scotland a similar one must be proposed, probably next year, for England. That clause was a limitation on the compulsory principle of the Bill, and there existed no such limitation in the English Act.

SIR ROBERT ANSTRUTHER was afraid the effect of this clause would be to destroy the effect of Clause 68. As he read the clause, if a child could read, write, and scramble through a little arithmetic, he could not be compelled to go to school.

MR. F. S. POWELL said, the absence of any provision in this Bill giving power to an Inspector, on a parent bringing his child before him, to grant a certificate that the child could read and write, would render parents in the middle and upper classes liable to prosecution, which, he thought, could not be contemplated by the Government in this measure.

MR. M'LAREN supported the clause as a valuable one, under whose operation a child might learn more in five years than, without it, he could learn in seven.

MR. KAY-SHUTTLEWORTH, in supporting the proposition of the hon. Member for Birmingham (Mr. Dixon), said, the difficulty would surely be met by the Lord Advocate bringing up on Report a clause carrying out the principle of the English measure in this matter. The clause was totally different from anything that appeared in the English Bill.

Question put.

The Committee divided:—Ayes 110; Noes 7: Majority 103.

Clause, as amended, *agreed to*.

Clause 72 (Clerks of criminal courts to be furnished with list of defaulting parents).

MR. GORDON protested against the clause which provided that a copy of the list of defaulting parents should be furnished to the clerk of every Court of criminal jurisdiction in the district, and that the Court might take the facts set forth in such lists into consideration in pronouncing sentence. This really was carrying compulsion too far, and he thought it would be better to omit the clause altogether.

Question put, "That the Clause stand part of the Bill."

The Committee divided:—Ayes 75; Noes 50: Majority 25.

Clause *agreed to*.

Clause 73 (Children bound to attend school).

MR. GORDON moved, in page 28, line 6, leave out "secular." If the clause was allowed to remain in its present state there would be a large amount of secular scholars. If a parent objected to having his child instructed in religion, it would not be right to submit the child to such teaching; but he certainly thought the child should not be allowed to withdraw at the time of such teaching unless the parent objected to his remaining.

THE LORD ADVOCATE could not agree to the Amendment, because, if carried, it would introduce that which was entirely against the principle of the Bill—namely, the enforcement of religious instruction.

MR. GATHORNE HARDY urged that if the State was to stand *in loco parentis* it should enforce the parents' desire as to attending religious as well as secular teaching. The learned Lord surely did not, in his zeal for religious liberty, wish the child to judge what instruction it should receive, or to support it in rebellion against parental authority.

MR. W. E. FORSTER said, the clause did not interfere with the parents' authority. It would apply to children ordered to attend by the board as well as by their parents, and nothing was more likely to injure religious instruction than to make it compulsory.

MR. CAWLEY asked how, if compulsion injured religious teaching, it could promote secular teaching? No invidious distinction should be drawn between one part of a parent's desire and another. The whole clause was one of an extraordinary character.

MR. CARNEGIE said, that without this clause it would be possible for a parent to say—"I have ordered my child to go to school, and if he chooses to stop in the street I cannot help it; you cannot expect me to look after him." The object of the clause really was to compel the parent to send the child.

MR. CAWLEY said, that was not so; the clause put compulsion on the child and not on the parent. He did not

object to compelling a parent to send his child to school; but he objected to pretending to carry out the wishes of the parent when something contrary was intended.

MR. C. S. PARKER suggested the omission of the words "during the whole time that the school was open for secular instruction."

MR. C. DALRYMPLE said, this was one of the clauses which showed the zeal of the promoters of the Bill for secular education as compared with religious education. His fear was, that from the treatment religious instruction received, an impression would be produced that it was a matter about which no trouble need be taken. If the word "secular" were omitted, an invidious distinction between secular and religious instruction would be removed.

MR. ANDERSON said, it would be contrary to the spirit of the Bill to enforce attendance on religious instruction; but he doubted whether the clause was not too severe, and if the object could be accomplished by the general rules of the school, perhaps the clause could be dispensed with.

VISCOUNT SANDON said, that on the passing of the English Act infinite trouble was taken to secure the attendance of children during the whole time a school was open, and if they did not attend the religious instruction other instruction was provided. The importance of this seemed to have been lost sight of in the case of Scotland. Why was the term "secular" used so much in this Bill when it did not occur in the English Act? Was Scotland more anxious for secular teaching than England was two years ago? So far from that, the tone of the public mind was more in favour of religious teaching, a fair balance being held between the different parties. Why on earth should the Bill bear on the face of it a sort of secular mark?

MR. W. E. FORSTER said, the English Bill provided against a child being master of the situation and absenting himself, under the Conscience Clause, from instruction; but the wording of the Conscience Clause was different from the wording of this, which put compulsion on the parent to send the child to school. It was out of the question that they could by law enforce attendance at the time of religious instruction; and probably, as suggested, the object

now sought could be obtained by school regulations, so that the clause might be withdrawn.

MR. GATHORNE HARDY said, after that statement, he would advise the withdrawal of the Amendment.

Amendment, by leave, *withdrawn*.

Clause *negatived*.

Clause 74 *negatived*.

Clause 75 *agreed to*.

Clause 76 (Teachers appointed under the Act not subject to provisions of 9 & 10 Vict., c. ccxxvi.)

MR. ORR EWING moved the omission of the clause, on the ground that it was the almost unanimous wish of the schoolmasters that the question should be dealt with by private legislation next year.

THE LORD ADVOCATE declined to withdraw the clause, because he thought it desirable that it should be distinctly stated that the Act in question did not affect the teachers to be appointed under the Bill; but, at the same time, he had no objection whatever to the subject being dealt with by private legislation next year, nor would the clause throw any obstacle in the way of that being done.

SIR JAMES ELPHINSTONE remarked that private efforts to legislate were not always successful.

Question, "That the Clause stand part of the Bill," put, and *agreed to*.

Clause 77 (Repeal of Acts at variance with this Act).

THE LORD ADVOCATE proposed that the first part of the clause only should be agreed to, and promised to bring up a schedule of the Acts repealed on the Report.

MR. CAMERON observed, that under one of the Acts proposed to be repealed, the interest of a sum of £24,000 was distributed amongst schoolmasters in certain Highland districts. What, he desired to know, did the Government propose to substitute for that grant, and what was to become of it?

THE LORD ADVOCATE said, that the £24,000 would be absorbed in the general funds of the country; but under the Bill a larger amount of public money would be distributed for educational purposes in the districts referred to, in respect of which the provisions of the

Bill were very liberal. Provision would be distinctly made to secure the interest of the £24,000 under the new system, and the incomes of the existing schoolmasters would not be interfered with.

MR. CRAUFURD was glad to hear that the Treasury would preserve the fund; but it was already secured by statutory trust, and was the property of the schools. They could not consent to part with it.

MR. M'LAREN moved in line 35, leave out after "repealed," to "and," in page 29, line 8, and insert—

"The assessments authorised and required to be imposed and levied by the said recited Acts, or any of them, shall continue to be imposed and levied upon the heritors in all time coming, according to the provisions of the said Acts, and the law as existing prior to the passing of this Act, to the extent and effect of imposing and levying in each parish an assessment which shall produce a sum equal in amount to that which was imposed and levied in such parish during the average of the three years immediately preceding the passing of this Act, and with the same right of relief against their tenants as is provided by the said recited Acts, and that the produce thereof shall be paid over to the said School Boards respectively in all time coming: Provided, that when the general assessment hereby authorised to be imposed in any parish would amount to a larger sum on any heritor and his tenants than the average amount leviable during the three years preceding the passing of this Act, the original assessment hereby continued shall cease and determine, and the new assessment only shall be leviable according to the provisions of this Act."

By the Act of 1696 the heritors were required to establish a school in every parish, and the maximum stipend was now £70. It could be proved, however, that the rental of many counties had increased more than forty-fold, while the salary of the schoolmaster was only augmented by £6. One third of the whole parishes had to supply, not only the school-houses, but the salaries for the schoolmasters. The rate would be levied on the small holders as well as upon the wealthier classes, but the proportion was not adequately adjusted.

THE LORD ADVOCATE said, that it was proposed by the hon. Member for Edinburgh to adopt a system which was a most objectionable one on its merits. As it appeared to him, a double mode of assessment was proposed by the Amendment, and he confessed that it was a most difficult one to understand. He submitted that the plan proposed in the Bill was the right one, and it was

a rule that had been followed in all analogous cases—namely, to found the assessment upon the equitable value of the land, and to divide it among the owners and occupiers who were to pay the rate.

MR. CARNEGIE thought the Lord Advocate had misapprehended the intention of the hon. Member for Edinburgh, who did not wish that there should be a double payment, but that the sum now paid on the assessment, whichever was highest, should be paid. With the principle of this he agreed, although he objected to the wording of the Amendment.

MR. CRAUFURD hoped his hon. Friend the Member for Edinburgh would not put the Committee to the trouble of dividing on his Amendment.

MR. ANDERSON remarked that under the Bill as it at present stood there would be, in some parishes, a considerable transfer of burdens from the rich to the poor, and the object of the Amendment was to prevent that transfer. If, therefore, his hon. Friend should divide he would vote with him.

Amendment negatived.

MR. CAMERON moved, in line 35, to insert the following amendment:—

"Provided that in addition to the Parliamentary grant a sum of money equal in amount to the sum now appropriated to any school established under the said recited Act of the First and Second Victoria, chapter eighty-seven, shall be paid by the Scotch Education Department to the School Board of each parish in which such school may be situated."

THE LORD ADVOCATE said, he had consulted on the subject with the Chancellor of the Exchequer, and he had great pleasure in saying that there was no objection to the proposition contained in the Amendment. If the hon. Gentleman would withdraw the Amendment, he (the Lord Advocate) would bring up a clause on the Report which would embody the same proposition.

Amendment, by leave, withdrawn.

SIR DAVID WEDDERBURN wished to know whether under the Bill the position of a sub-tenant would be respected, and whether such a sub-tenant would be held liable for rates. If so, would the right hon. and learned Gentleman bring up a clause on the Report to protect such tenants during the currency of their existing leases.

The Lord Advocate

THE LORD ADVOCATE said, there was nothing in the Bill which interfered with existing contracts, which would remain when this Bill came into operation just as they were at present.

Clause agreed to.

Clause 78 agreed to.

Postponed Clauses.

Clause 2 (Expenses of Scotch Education Department) *negatived*; whereupon—

THE LORD ADVOCATE rose to explain that it had been negatived by mistake; when—

LORD GARLIES rose to Order. He wished to know what clause the Committee were now upon?

THE CHAIRMAN said, the clause had been negatived, and he did not think it was competent for him to put it again.

THE LORD ADVOCATE said, there was some misapprehension about the matter. The clause was a matter-of-course clause, which must be passed.

MR. BOUVERIE said, it was better that things should be done in a regular way, and as the clause had been negatived by mistake it would be easy enough to re-commit the Bill in order to re-insert it, and that course would have to be adopted.

Clause 3 (Department may employ officers in Scotland).

Question proposed, "That the Clause stand part of the Bill."

Question put.

The Committee *divided*:—Ayes 130; Noes 89: Majority 41.

THE LORD ADVOCATE moved to insert a new clause providing that the expenses of the Scotch Education Department should be defrayed by the Lords of the Treasury out of moneys to be voted by Parliament.

SIR MICHAEL HICKS-BEACH considered this to be a most extraordinary proceeding. The Committee had negatived Clause 2 of the Bill, providing that—

"The salaries of the officers and servants of the Scotch Education Department shall be fixed with the consent of the Lords of Her Majesty's Treasury, and shall, together with the whole expenses of the said Department, be defrayed out of moneys voted by Parliament;"

and now another clause was proposed,

to all intents and purposes in the same terms. He appealed to the Chairman to know whether such a course was in accordance with the Rules of the House.

THE CHAIRMAN: It appears to me that this is substantially the same clause as Clause 2; but there are certain modifications in it which, if the Committee had been so disposed, would have enabled it to be taken. However, if I am bound to give a strict ruling, I must say that, in consideration of the circumstances under which Clause 2 was negatived, this clause should be proposed on re-committal.

COLONEL WILSON - PATTEN concurred that the clause could only be considered on the third reading, or on re-committal, and suggested that it should be withdrawn.

Clause, by leave, *withdrawn*.

New Clause (Appointment of organising Commissioners in Scotland to act for three years,)—(*The Lord Advocate*,)—*brought up*, and read the first time.

Motion made, and Question proposed, "That the said Clause be now read a second time."

MR. GORDON said, the Committee were entitled to be informed as to the character and position of the persons who were to exercise the powers of Commissioners. Not the slightest information had been given as to the persons whom it was proposed to appoint Commissioners. That was an unusual proceeding. He hoped that the Committee would adopt the Amendment which he had placed on the Paper. A code applicable to England would not be suitable to the parochial schools in Scotland, and therefore he was anxious that the preparation of the Scotch code should be intrusted to persons who were acquainted with the Scotch system. In 1869 the Vice-President of the Committee of Council repudiated the idea of Scotch education being placed under the Privy Council, because, as the right hon. Gentleman said, it would be impossible to work two different systems under the same roof. He wanted to know upon what grounds had the Government changed the views to which they gave expression in 1869?

Question put.

The Committee *divided*:—Ayes 132; Noes 79: Majority 53.

MR. ELLIOT moved an Amendment to insert after the word "years," in line 3, the words "and if they see fit at the expiry of that period to extend it for five years."

MR. W. E. FORSTER said, that the Government did not make any objection to the Amendment; but he should be exceedingly disappointed if the labours of the Commission, so far as carrying the Act into operation was concerned, were not completed within three years.

Amendment agreed to.

LORD GARLIES moved that the Chairman report Progress, as the proceedings of the Committee appeared to be in a state of confusion, and no one seemed to know what was the clause under consideration.

THE LORD ADVOCATE opposed the Motion, in the hope that the Bill would pass through Committee that night.

MR. NEWDEGATE thought the proposal of the noble Lord (Lord Garlies) was perfectly feasible, as Members should have time to consider the new clause.

MR. BOUVERIE thought it was a most unreasonable demand to make on the part of the noble Lord (Lord Garlies), as it would necessitate another day's sitting.

LORD GARLIES said, if the House wished it he would withdraw his Motion.

Motion withdrawn.

MR. GORDON said, that before the Committee came to the next Amendment he wished to know from the Vice-President of the Privy Council, whether they were to receive any information as to the character and position of the parties likely to occupy the position of Commissioners?

MR. W. E. FORSTER said, the Commission would be a most important one, and the Government felt the responsibility of acting in accordance with the opinion of Parliament as to the persons to be appointed.

MR. C. DALRYMPLE also wished to obtain some information as to the composition of the Commission, and, looking to the manner in which the Paper had been loaded with Amendments by hon. Members on the opposite side which had been departed from, he could not conceive but that some information had been given to them as to the

composition of the Board of which the Committee was not aware.

MR. BOUVERIE thought it only reasonable that before the Bill was passed the names of some of those who were to be appointed Commissioners should be made known.

MR. ANDERSON hoped that nothing like a clerical Commission would be appointed, as the people of Scotland would object to any gentlemen being appointed who held a prominent place in any religious sect.

MR. M'LAREN wished to know the amount of salary which it was proposed to give the Commissioners?

DR. LYON PLAYFAIR remarked that there was a difference between the Commission which would be appointed under the Bill and that which was proposed in 1869. He had no doubt the members of the Commission would be selected with great care; but what the people of Scotland wanted to know was, what was to be the real nature of the Scotch Education Department? He would add that he did not think it would be right to disqualify a man who had devoted himself to education from being a Commissioner simply because he happened to be a clergyman.

MR. NEWDEGATE suggested that there would be nothing unprecedented in naming the Commissioners, inasmuch as they had been named in the case of the Irish Church Act.

MR. COLLINS expressed a hope that the Commissioners would be named before the Bill passed into a law.

MR. GLADSTONE said, that on certain occasions—such as the passing of the Irish Church Act which had just been mentioned—when great legislative powers were intrusted to certain gentlemen, it might be a very proper thing to invite the assistance of Parliament in their selection, inasmuch as they would have to exercise powers more or less analogous to those possessed by Parliament itself. In the present instance, however, the principle on which the House had hitherto proceeded was that the executive portion of the Bill should be intrusted to the Executive Government. Was it, therefore, he would ask, desirable, or in conformity with usage, to call on the Government under those circumstances to indicate the individuals who were to be employed in the execution of the Act? The result of naming

the Commissioners would be to lighten the responsibility of the Government, and to transfer a portion of the responsibility to the shoulders of Parliament. He hoped the Scotch Education Department would be a reality; but if it was to be a reality, it must be intrusted with the choice of the Commissioners who were to exercise authority under it. The Government desired to stand on their own responsibility, and, in choosing the Commissioners, they would make their choice so as to give the fullest effect to the spirit of the Act.

MR. BIRLEY thought that the names of the gentlemen to constitute the Board of Education might be inserted in the Bill.

SIR JAMES ELPHINSTONE said, it was all very well for the right hon. Gentleman to promise that Commissioners would be chosen to carry out the spirit of the Act; but the fact was that the whole Bill was subversive of the traditions of Scotch education. Unless the Government were to-morrow prepared to give the name of the Commissioners, he would move that the debate be now adjourned. His confident belief was that the Bill had been drawn by men who had no religious impressions. He protested against the whole Bill, because he considered that the trail of the serpent was on every clause.

MR. GORDON said, the course pursued by the Government now was different to that of 1869. They were then told that the Royal Commissioners would be named in the Act; but the views of the Government had since changed upon the subject.

MR. C. DALRYMPLE asked when the House would have the opportunity of challenging the appointment of the Commissioners?

MR. GLADSTONE said, that obviously new charges must be inserted in the Estimates for the Council Office, which would almost force on the House of Commons the power of challenging the appointments.

MR. NEWDEGATE asked if the names of the Commissioners would appear on the Estimates.

MR. GLADSTONE said, that the names of such persons, as a rule, were

not printed in the Estimates; but it would be competent for any hon. Member to challenge the propriety of the appointments.

Clause, as amended, *agreed to*, and *ordered* to stand part of the Bill.

Schedules A and B *agreed to*.

On Schedule C,

SIR JOHN OGILVY moved, in page 31, line 26, leave out "Dundee High School."

THE LORD ADVOCATE opposed the Amendment. The Dundee High School was inserted to insure that it be carried on as a high school.

Amendment, by leave, *withdrawn*.

Bill *reported*; *re-committed* in respect of a New Clause (Expenses of Scotch Education Department), for *To-morrow*, at Two of the clock.

MONASTIC AND CONVENTUAL INSTITUTIONS COMMISSION BILL.

RIGHTS OF PRIVATE MEMBERS.

MR. NEWDEGATE moved that the Bill be placed on the Paper for Tuesday at 2 o'clock, in order to raise the question whether Members, not being Members of the Government, should not have precedence at 2 o'clock on Tuesdays as at 4, and to-morrow he intended asking Mr. Speaker his opinion on the point.

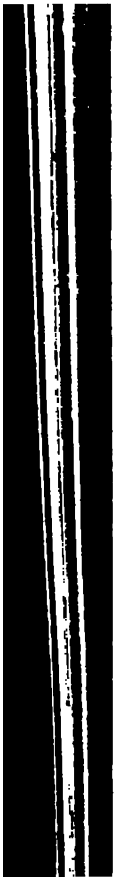
Motion made, and Question proposed, "That the Order for reading the Bill a second time To-morrow be postponed till Tuesday next, at Two of the clock."

MR. AYRTON thought that, as the question was a novel one, the better way would be to postpone the Bill till Monday next, because it involved the principle whether private Members could fix a Bill equally with the Government for a Morning Sitting.

Question put.

The House *divided*: — Ayes 3; Noes 13: Majority 10.

House adjourned at a quarter before Two o'clock.



INDEX

TO

HANSARD'S PARLIAMENTARY DEBATES,

VOLUME CCXI.

THIRD VOLUME OF SESSION 1872.

EXPLANATION OF THE ABBREVIATIONS.

In Bills, Read 1^o, 2^o, 3^o, or 1^a, 2^a, 3^a, Read the First, Second, or Third Time.—In Speeches, 1R., 2R., 3R., Speech delivered on the First, Second, or Third Reading.—*Amendt.*, Amendment.—*Res.*, Resolution.—*Comm.*, Committee.—*Re-Comm.*, Re-Committal.—*Rep.*, Report.—*Consid.*, Consideration.—*Adj.*, Adjournment or Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*M. Q.*, Main Question.—*O. Q.*, Original Question.—*O. M.*, Original Motion.—*P. Q.*, Previous Question.—*R. P.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—*1st. Div.*, *2nd. Div.*, First or Second Division.—*l.*, Lords.—*c.*, Commons.

When in this Index a * is added to the Reading of a Bill, it indicates that no Debate took place upon that stage of the measure.

When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorized Report.

When in the Index a † is prefixed to a Name or an Office (the Member having accepted or vacated office during the Session) and to Subjects of Debate thereunder, it indicates that the Speeches on those Subjects were delivered in the speaker's private or official character, as the case may be.

Some subjects of debate have been classified under the following "General Headings:"—**ARMY—NAVY—INDIA—IRELAND—SCOTLAND—PARLIAMENT—POOR LAW—POST OFFICE—METROPOLIS—CHURCH OF ENGLAND—EDUCATION—CRIMINAL LAW—TAXATION, under WAYS AND MEANS.**

A BINGER, Lord
Army—Purchase and Scientific Corps,
1327; Address for a Commission, 1906,
1911, 1913

ACLAND, Sir T. D., *Devonshire, N.*
Ecclesiastical Commissioners—Finsbury Es-
tate, 100, 101

Act of Uniformity Amendment Bill [H.L.]
(*Mr. W. E. Gladstone*)

c. Read 2^o * *May* 6 [Bill 136]
Committee; Report *May* 30, 888
Considered * *May* 31
Moved, "That the Bill be now read 3^o"
June 3, 1086
Moved, "That the debate be now adjourned"
(*Mr. Rylands*); after short debate, Motion
withdrawn
Question again proposed, "That the Bill be now
read 3^o"

VOL. CCXI. [THIRD SERIES.] [cont.]

Act of Uniformity Amendment Bill—cont.

Amendt. to leave out from "Bill be," and add
"re-committed, in respect of the Preamble"
(*Mr. Bouverie*) v.; after further short debate,
Question put, "That the words, &c.;" A. 160,
N. 89; M. 71; main Question put, and
agreed to; Bill read 3^o

ADDERLEY, Right Hon. Sir C. B., *Stafford-*
shire, N.

Criminal Law—Reformatory and Industrial
Schools, Res. 608
Defamation of Private Character, 2R. 1257
Parliament—Public Business, 838, 1028
Supply—Privy Council, 980, 982, 1518
Salaries and Allowances of Governors, &c.
1899
Women's Disabilities Removal, 2R. 66

Admiralty and War Office Rebuilding Bill
(*Mr. Ayrton, Mr. Bowser*)

c. Ordered; read 1^o * *June* 17 [Bill 200]

3 U

ADVOCATE, The Lord (Right Hon. G. YOUNG), Wighton, &c.

Criminal Law—Case of John Richard Dymond, 1856

Education (Scotland), Comm. 295, 302; *cl.* 1, 1055, 1056, 1061, 1063, 1064, 1072, 1079, 1083, 1084, 1194; *cl.* 2, 1195, 1196; *cl.* 4, 1208; *cl.* 5, 1284, 1285, 1287, 1289; *cl.* 8, 1293, 1297, 1298, 1299; *cl.* 20, 1352; *cl.* 24, 1354, 1355; *cl.* 35, 1357, 1358; *cl.* 39, 1359; *cl.* 40, 1360; *cl.* 41, Amendt. *ib.*; *cl.* 42, 1361; *cl.* 43, 1362, 1363, 1366; *cl.* 50, 1367, 1368, 1374, 1615; *cl.* 51, 1617, 1618, 1619, 1620; *cl.* 52, 1626, 1703, 1710, 1711; *cl.* 54, 1712; *cl.* 56, *ib.*; *cl.* 58, 1713, 1714; *cl.* 59, 1714, 1716, 1717; *cl.* 64, 1720; Motion for reporting Progress, 1721, 1745, 1747, 1749, 1754; Amendt. 1755; *cl.* 65, 1756, 1757, 1759, 1936, 1942, 1947, 1992; *cl.* 66, 1998, 2000; *cl.* 67, 2001, 2002, 2004; *cl.* 68, 2006, 2007, 2008; Amendt. 2010, 2011; *cl.* 70, 2012; *cl.* 71, 2013, 2015; *cl.* 73, 2020; *cl.* 76, 2022; *cl.* 77, 2022, 2023, 2024, 2025; *cl.* 2, 2025; *add. cl.* 2025, 2027; Schedule C, 2030

Parliamentary and Municipal Elections, Comm. Schedule 1, 136; *Consid. cl.* 16, Amendt. 533, 534

Polling Places (Scotland), Motion for Returns, 975

Scotland—Offences against Women and Children, 499

Poor Law Inspectors, 650, 1029

Supply—Criminal Proceedings in Scotland, 1896

Africa

Acquisition of Dutch Guinea, Question, Sir Charles Wingfield; Answer, Mr. Knatchbull-Hugessen May 6, 287

East African Slave Trade, Question, Mr. Gilpin; Answer, Viscount Enfield May 13, 653

West Africa, Bank of, Question, Mr. Laird; Answer, Mr. Knatchbull-Hugessen May 9, 500

West Coast—The Lagos Traders, Question, Mr. Laird; Answer, Mr. Knatchbull-Hugessen May 9, 501

Africa, South

Moved, "That, in the opinion of this House, it is desirable that facilities should be afforded, by all methods which may be practicable, for the confederation of the Colonies and States of South Africa" (*Mr. Robert Fowler*) May 28, 806; after short debate, Motion agreed to

AGAR-ELLIS, Hon. L. G. F., Kilkenny Co.
Parliamentary and Municipal Elections, 3R. 870

Agricultural Children Bill

(*Mr. Clare Read, Mr. Pell, Mr. Akroyd, Mr. Kay-Shuttleworth, Mr. Kennaway*)

c. Bill read 2^o, after debate June 12, 1857
[Bill 104]

AIRLIE, Earl of

Parliamentary and Municipal Elections, Comm. *cl.* 2, 1918

AKROYD, Mr. E., Halifax

Agricultural Children, 2R. 1659

All Saints Church, Cardiff, Bill (Lords) (by Order)—

c. Moved, "That the Bill be now read 2^o"
May 30, 818

Amendt. to leave out "now," and add "upon this day three months" (*Mr. Dillwyn*); after short debate, Question put, "That 'now,' &c.;" A. 153, N. 172; M. 19; main Question, as amended, put, and agreed to; Bill put off for three months

Alteration of Boundaries of Dioceses Bill [H.L.] (Archbishop of York)

l. Committee*; Report May 2 (No. 84)
Read 3^o* May 3

c. Read 1^o* (*Mr. Monk*) May 27 [Bill 170]
Read 2^o* May 30

Committee*; Report June 3
Read 3^o* June 6

l. Royal Assent June 27 [35 & 36 Vict. c. 14]

ANDERSON, Mr. G., Glasgow

Education (Scotland), Comm. *cl.* 2, 1195; *cl.* 5, 1287; *cl.* 8, Amendt. 1295, 1296, 1305; *cl.* 43, 1363; *cl.* 50, 1373; *cl.* 52, 1708; *cl.* 65, Amendt. 1756, 1758; Amendt. 1934, 1937; *cl.* 68, Amendt. 2007, 2008; *cl.* 73, 2021; *cl.* 77, 2024; *add. cl.* 2028

Parliament—Business of the House, Res. 1231
Parliamentary and Municipal Elections, Comm. Schedule 1, 134

Supply—Queen's and Lord Treasurer's Office (Scotland), 1550

ANSTRUTHER, Sir R., Fifeshire

Education (Scotland), Comm. 348; *cl.* 1, 1074; *cl.* 8, 1291; *cl.* 50, 1374; *cl.* 51, 1619; *cl.* 64, 1746; *cl.* 65, 1759, 1937; *cl.* 66, 1999; *cl.* 67, 2003; *cl.* 68, 2005; *cl.* 71, 2019
Polling Places (Scotland), Motion for Returns, 975

Appellate Jurisdiction

Committee nominated, after short debate; List of the Committee May 6, 275; May 7, The Viscount Ossington added

Appointment of Commissioners for taking Affidavits Bill [H.L.]

(*Marquess of Clanricarde*)

l. Presented; read 1^o* June 10 (No. 133)
Read 2^o* June 18

ARBUTHNOT, Major G., Hereford City

Army—Control Department, 1993, 1994

India—Horse Artillery, 1419

Canada, Dominion of—Arms and Stores, Sale of, 501, 503

ARGYLL, Duke of (Secretary of State for India)

Intoxicating Liquor (Licensing), Comm. *cl.* 23, 586

Parliamentary and Municipal Elections, Comm. *cl.* 16, 1843

Treaty of Washington, Motion for an Address, 1179, 1189

ARMY

Army Re-organisation

Appointments and Promotions—The Royal Warrant, Questions, Lord Eustace Cecil; Answer, Mr. Cardwell *June 6, 1275*
County Military Depôt Centres, Question, Mr. Gourley; Answer, Mr. Cardwell *May 28, 782*
Militia Permanent Staff, Question, Major Tollemache; Answer, Mr. Cardwell *May 6, 279*

Commissions—Examinations, Question, Colonel Brise; Answer, Mr. Cardwell *May 7, 375*
—University Candidates, Questions, Mr. Assheton Cross, Lord Eustace Cecil; Answers, Mr. Cardwell *June 6, 1278*

Control Department, Question, Observations, Major Arbuthnot; Reply, Mr. Cardwell *June 20, 1993*

Equipment of the Army, Question, Sir John Gray; Answer, Sir Henry Storks *May 2, 103*

Exchanges by Sub-Lieutenants, Question, Colonel Beresford; Answer, Mr. Cardwell *June 3, 1027*

Grenadier Guards' Band, Question, Observations, The Marquess of Hertford; Reply, The Marquess of Lansdowne; short debate thereon *June 3, 984*; Question, The Earl of Yarmouth; Answer, Mr. Cardwell, 1031; Questions, Mr. Waterhouse, Colonel Stuart Knox, The Earl of Yarmouth; Answers, Mr. Cardwell *June 10, 1510*

Guards, The, Notice of Motion withdrawn (*The Duke of Richmond*) *June 7, 1326*

India

Retirement of Indian Field Officers, Question, Colonel Barttelot; Answer, Mr. Grant Duff *May 10, 604*

Royal Horse Artillery, Observations, Colonel North, Sir Charles Wingfield; Reply, Mr. Grant Duff; short debate thereon *June 7, 1416*

Ireland

Cashel Barracks, Question, Mr. Staapole; Answer, Mr. Cardwell *May 2, 104—Sickness at*, Question, Mr. Staapole; Answer, Mr. Cardwell *May 30, 835*

Fermoy Barracks, Question, Colonel C. Lindsay; Answer, Mr. Cardwell *May 9, 503*

Martini-Henry Rifle—Mr. Andrews, Question, Mr. Staapole; Answer, Sir Henry Storks *June 13, 1691*

Militia

Irish Militia, Question, Mr. O'Reilly; Answer, Mr. Cardwell *May 9, 505*

Militia Camp, Appleby, Questions, Mr. J. Lowther, Mr. Whitwell; Answers, Sir Henry Storks *June 17, 1849*

Militia Surgeons, Question, Colonel Corbett; Answer, Mr. Campbell *June 4, 1193*

Officers—Presentations at Court, Question, Mr. H. A. Herbert; Answer, Mr. Cardwell *May 2, 103*

Torpedoes—Captain Harvey, Question, Captain Dawson-Damer; Answer, The Chancellor of the Exchequer *May 28, 788*

[cont.]

ARMY—cont.

Volunteers, Question, Mr. Norwood; Answer Mr. Cardwell *June 20, 1994—Capitation Grant*, Question, Colonel C. Lindsay; Answer, Mr. Cardwell *May 30, 829*

Windsor Cavalry Barracks—Surgeon Major Logic, Question, Lord Garlies; Answer, Mr. Cardwell *May 30, 833*

Army—Autumn Manœuvres

Moved, "That, in the opinion of this House, the selection of the period of harvest for the contemplated Autumn Manœuvres will interfere with the processes of agriculture, affect injuriously the interests of the cultivators of the soil, and inflict grave pecuniary hardship on the labourers in the rural districts" (*Mr. Dimsdale*) *May 28, 795*; after short debate, Motion withdrawn

Army—Purchase and the Scientific Corps

Question, Observations, Lord Abinger; Reply, The Marquess of Lansdowne; short debate thereon *June 7, 1327*

First Captains in the Scientific Corps, Question, Sir Colman O'Loughlin; Answer, Mr. Cardwell *June 20, 1984*

Scientific Corps—Promotion in the Artillery and Engineers, Question, Major General Sir Percy Herbert; Answer, Mr. Cardwell *June 13, 1692*

Moved that an humble Address be presented to Her Majesty, praying that a Commission may be issued to inquire into the alleged injustice towards the captains of the late Purchase Corps occasioned by their proposed supersession by the first captains of the Scientific Corps; and further to inquire whether the intended advancement of the first captains of the Royal Artillery and Engineers to the rank of field officers would have the effect of removing the slowness of promotion in those corps, and as to the best means of remedying the same; and that in the meantime and until the report of the Commission the publication of the Royal Warrant on this subject be delayed (*Lord Abinger*) *June 18, 1906*; after debate, on Question? Cont. 42, Not-Cont. 39; M. 3; Motion agreed to

Ordered, That the said Address be presented to Her Majesty by the Lords with white staves

ASSHETON, Mr. R., *Clitheroe*

Education—Ripon Grammar School, Motion for an Address, 444

Parliamentary and Municipal Elections, Considered, 4, Amendt. 531; Schedule 1, Amendt. 672; Amendt. 675

Registration of Borough Voters, Comm. 1252

ATTORNEY GENERAL, The (Sir J. D. Coleridge), *Exeter*

Criminal Law—Brutal Assaults on Women, 285
 Farrell, David, Case of, 1855

Education—Ripon Grammar School, Motion for an Address, 445

Ireland—Galway Election Petition, 1861

Juries, 214, 701

*Law Officers of the Crown, 263, 284

Law Reform—Judicature Commission, 885

3 U 2

[cont.]

ATTORNEY GENERAL, The—cont.

Middlesex Registration of Deeds, 2R. 1261
 Religious Disqualification for Offices, 280
 Supply—Law Charges, 1865, 1867, 1868
 Miscellaneous Legal Charges, 1895
 Tichborne v. Lushington—Prosecution, &c.
 1272
 Women's Disabilities Removal, 2R. 62

AYRTON, Right Hon. A. S. (Chief Commissioner of Works), *Tower Hamlets*

Metropolis—Chelsea Toll Bridge, 1886
 Water Supply—Victoria Park, 1852
 Metropolis—Queen's Square, Westminster, and
 Birdcage Walk, Res. 238, 1278
 Monastic and Conventual Institutions Com-
 mission, 2030
 Ordnance Survey (Lincolnshire), 1689
 The 25-inch Scale, 1987
 Ordnance Survey (England), Res. 394, 395
 South Kensington Museum—Natural History
 Collections, 1690
 Supply—Works and Public Buildings, 1541,
 1542

AYTOUN, Mr. R. Sinclair, *Kirkcaldy, &c.*

All Saints Church, Cardiff, 2R. 827
 Court of Chancery (Funds), Comm. 684, 839
 Criminal Law—Release of the Whitehaven
 Rioters, Res. 953
 Education (Scotland), Comm. cl. 1, 1074; cl. 8,
 1300; cl. 51, 1619
 Supply—Privy Council, 983
 Terminable Annuities, 1274
 Treaty of Washington, 1045

BAGGALLAY, Sir R., *Surrey, Mid.*

Court of Chancery (Funds), Comm. Amendt.
 681; cl. 18, 693, 695

BAGWELL, Mr. J., *Clonmel*

Criminal Trials (Ireland), 2R. 1640
 Ireland—Clare, Lord Lieutenant of, Res. 443
 Irish Church Act Amendment, Comm. 358
 Unlawful Assemblies (Ireland) Act Repeal, 2R.
 157

BAILEY, Sir J. R., *Herefordshire*

Criminal Lunatics—Crickhowell Union, 1273

**Bakehouses Bill (*Mr. Locke, Mr. Holms,
 Mr. William Henry Smith*)**

c. 2R. adjourned June 4 [Bill 54]

BAKER, Mr. R. B. Wingfield, *Essex, S.*

Army—Autumn Manœuvres, Res. 802

**BALL, Right Hon. J. T., *Dublin Uni-
 versity***

Act of Uniformity Amendment, 3R. 1092
 Court of Chancery (Funds), Comm. 691;
 cl. 18, 693
 Education (Scotland), Comm. cl. 19, 1315
 Irish Church Act Amendment, Comm. 356
 Parliamentary and Municipal Elections, Consid.
 cl. 16, 538; cl. 17, 541; cl. 23, 543;
 Schedule 1, 670, 677

Bank Notes Bill

(*Sir John Lubbock, Mr. Backhouse, Mr. Munts,
 Mr. Robert Fowler, Mr. Kinnaird*)

c. Bill withdrawn * June 13 [Bill 117]

Bank Notes (No. 2) Bill

(*Sir John Lubbock, Mr. Backhouse, Mr. Munts,
 Mr. Robert Fowler, Mr. Kinnaird*)

c. Ordered; read 1st * June 14 [Bill 196]

**Bank of England (Election of Directors)
 Bill [H.L.] (*Lord Redesdale*)**

l. Presented; read 1st * June 13 (No. 144)
 Read 2nd * June 20

**Bankruptcy (Ireland) Amendment Bill
 [H.L.] (*Lord O'Hagan*)**

l. Select Committee, The Lord Camoys added
 May 31

Baptismal Fees Bill [H.L.]

(*Bishop of Winchester*)

l. Presented; read 1st * June 6 (No. 128)
 Bill read 2nd, after short debate June 13, 1863
 Committee * June 13 (No. 160)
 Report * June 20

BARNETT, Mr. H., *Woodstock*

Customs and Inland Revenue, Consid. add. cl.
 1904
 European Assurance Society, 3R. 1586
 Royal Mint—Silver Coinage, 604

BARTTELOT, Colonel W. B., *Sussex, W.*

Agricultural Children, 2R. 1661
 Army—Commissions, Examinations, 375
 India—Army—Horse Artillery, 1419
 Indian Field Officers, Retirement of, 604
 India—Bombay, Old Bank of, Res. 214
 Local Taxation, 1279
 Parliament—Whitsuntide Recess, 106, 376
 Public Prosecutors, Comm. 1960
 Supply—Broadmoor Criminal Lunatic Asylum,
 1893
 Copyhold, Inclosure, and Tithe Commissions,
 1534
 Treaty of Washington, 911, 1742

BASS, Mr. M. A., *Staffordshire, E.*

Imprisonment for Debt Abolition, 2R. 1977

Bastardy Laws Amendment Bill

(*Mr. Charley, Mr. Thomas Hughes, Mr. Eykyn,
 Mr. Whitwell*)

c. Bill read 2nd, after short debate June 19, 1972

BATES, Mr. E., *Plymouth*

Navy—Navigation, System of, Res. 1416

BATH, Marquess of

Parliamentary and Municipal Elections, Comm.
 add. cl. 1839

BAXTER, Mr. W. E. (Secretary to the Treasury), *Montrose, &c.*

Court of Chancery (Funds), Comm. 686; *cl.* 18, 695; *cl.* 22, 697

Customs and Inland Revenue, Consid. *cl.* 4, 1904

Customs Department—Competitive Examinations, 1853

Ireland—Customs Clerks at Dublin, 1270

National Schools, Masters and Assistants at, 1744

Post Office—Telegraph Clerks, 1857

Supply—Bounties on Slaves, 1902

Charity Commission, 1530

Civil Service Commission, 1533

Civil Services, 1045, 1054

County Courts, 1879

Court of Chancery, 1870, 1871, 1872

Criminal Prosecutions, 1868, 1869

General Register House, Edinburgh, 1898

Lord Privy Seal, Office of, 1527

Patent Law Amendment Act, 1536

Paymaster General, London and Dublin, 1537

Police Courts, London and Sheerness, 1881

Privy Council, 977, 978, 979, 982, 1521

Public Record Office, 1538

Public Works Loan Commissioners, &c. 1538

Queen's and Lord Treasurer's Office (Scotland), 1549, 1551

Registrar General of Births, &c. 1535

Terminable Annuities, 1274

BEACH, Sir M. E. HICKS-, Gloucestershire, E.

Education (Scotland), Comm. *add. cl.* 2025

Parliamentary and Municipal Elections, Consid. *cl.* 23, Amendt. 541; *cl.* 26, Amendt. 544

Poor Law—Goding, Mr., Case of, 1742

Public Health—Public Revenue, Charges on, 909, 910

BEAUCHAMP, Earl

Intoxicating Liquor (Licensing), Comm. *cl.* 6, 574; *cl.* 23, 586; *cl.* 25, 590

Parliamentary and Municipal Elections, Comm. *cl.* 33, Amendt. 1843

Treaty of Washington, Motion for an Address, Res. 1267

BENTINCK, Mr. G. A. F. Cavendish, Whitehaven

Metropolis—Queen's Square, Westminster, Birdcage Walk, &c., Res. 815, 1238, 1240, 1277

Parliament—Business of the House, Res. Motion for Adjournment, 1226

Parliamentary and Municipal Elections, Comm. Schedule 1, Amendt. 123; Consid. Schedule 1, 670

Wellington Monument, Motion for Papers, 203

BENTINCK Mr. G. W. P., Norfolk, W.

Education (Scotland), Comm. 334

Ireland—Clare, Lord Lieutenant of, Res. 442

Navy—Navigation, System of, Res. 1415

Navy—Rule of the Road at Sea—Steering and Sailing Rules, Motion for a Select Committee, 388

BENTINCK, Mr. G. W. P.—cont.

Navy Estimates—Dockyards at Home and Abroad, 736

Military Pensions and Allowances, 774

Parliamentary and Municipal Elections, 3R. 867

Post Office—Postmaster at this House, 708

Treaty of Washington, Statement, 1604

BERESFORD, Colonel F. M., Southwark

Army—Exchanges by Sub-Lieutenants, 1027

Metropolis—Petroleum, Storage of, 1991

Middlesex Registration of Deeds, 2R. 1261

Parliament—Derby Day, 793

Parliamentary and Municipal Elections, Comm. Schedule 1, 117

Betting Bill (*Mr. Thomas Hughes, Mr. Osborne Morgan, Mr. Bowring*)

c. Ordered; read 1^o June 4 [Bill 186]

BIRLEY, Mr. H., Manchester

Education—Certificated Teachers Pensions, Notice, 942

Education (Scotland), Comm. 319; *add. cl.* 2029

France—Treaty of Commerce, Denunciation of the, Res. 1778

Permissive Prohibitory Liquor, 2R. 492

Bishops Resignation Act (1869) Perpetuation Bill [H.L.] (*Mr. Gladstone*)

c. Moved, "That the Bill be now read 2^o" June 4, 1219

Amendt. to leave out "now," and add "upon this day three months" (*Mr. Dickinson*); Question proposed, "That 'now,' &c.;" debate adjourned

Debate resumed June 10, 1553; after short debate, Amendt. withdrawn; original Question put, and agreed to; Bill read 2^o [Bill 137] Committee*; Report June 20

Board of Trade Inquiries Bill

(*Mr. Chichester Fortescue, Mr. Arthur Peel*)

c. Ordered; read 1^o June 10 [Bill 193]

Read 2^o June 13

Committee*; Report; read 3^o June 14

l. Read 1^o (*Earl Cowper*) June 17 (No. 155)

Read 2^o June 18

Committee*; Report June 20

BONHAM-CARTER, Mr. J. (Chairman of Committee of Ways and Means), *Winchester*

Education (Scotland), Comm. *cl.* 2, 2025, 2026

Parliamentary and Municipal Elections, Comm. Schedule 2, 137

BOUVERIE, Right Hon. E. P., Kilmar-nock, &c.

Act of Uniformity Amendment, Preamble, Amendt. 889, 894; 3R. Amendt. 1085

Court of Chancery (Funds), Consid. 1722

Education (Scotland), Comm. *cl.* 5, 1287;

cl. 39, 1359; *cl.* 42, 1361; *cl.* 52, Amendt. 1702, 1708; *cl.* 59, 1718; *cl.* 62, 1751; *cl.* 2, 2025; *add. cl.* 2027, 2028

[cont.]

[cont.]

BOUVIER, Right Hon. E. P.—*cont.*

India—Bombay, Old Bank of, Res. 239, 240, 247

Ireland—Galway Election Petition, 1678

Parliament—Ascension Day—Committees, 447, 508

Business of the House, 1030

Parliamentary and Municipal Elections, Considered, 527; Schedule 1, 547

Public Prosecutors, Comm. 1954

Supply—Office of Lord Privy Seal, 1524

Treaty of Washington, 608, 708, 710, 786, 787, 842, 1041, 1045;—Statement, 1601, 1602, 1862, 1864

Women's Disabilities Removal, 2R. Amendt. 22, 31

BOWRING, Mr. E. A., *Exeter*

Eyre, Mr.—Legal Expenses, Payment of, 706

Parliament—Counts of the House, Res. 1629

Parliamentary and Municipal Elections, Comm. Schedule 2, 137; Amendt. *ib.*

Supply—Copyhold, Inclosure, and Tithe Commissions, 1534

Land Registry, 1881

Metropolitan Police, 1881

Privy Council, 976, 1516, 1522

Works and Public Buildings, 1543

Vienna—International Exhibition (1873), 1269

BRASSEY, Mr. T., *Hastings*

Navy—Navigation, System of, Res. 1395

BREWER, Dr. W., *Colchester*

Bastardy Laws Amendment, 2R. 1977

Criminal Law—Release of the Whitehaven Rioters, Res. 970

Metropolis—Petroleum, Storage of, 1991

Navy Estimates—Medical Establishments, 772

Parliamentary and Municipal Elections, Comm. Schedule 1, 134

Post Office—Telegraphs—Sunday Labour, 707

Rating—Exemptions of Government Property, 836

Supply—Privy Council, 993

BRIGHT, Mr. Jacob, *Manchester*

Education—Manchester School Board, 1350

Women's Disabilities Removal, 2R. 1, 26, 31, 69

BRISTOWE, Mr. S. B., *Newark*

Registration of Borough Voters, Comm. 1249

British Guiana—Emigration

Question, Sir Charles Wingfield; Answer, Mr. Knatchbull-Hugessen June 20, 1990

BROGDEN, Mr. A., *Wednesbury*

Customs and Inland Revenue, Comm. *cl.* 6, Amendt. 1555

BROWN, Mr. A. H., *Wenlock*

Middlesex Registration of Deeds, 2R. 1260

Wild Fowl Protection, 2R. 1653

BROWNE, Mr. G. E., *Mayo Co.*

Post Office (Ireland)—Irish Postmasters, 193

BRUCE, Right Hon. H. A. (Secretary of State for the Home Department), *Renfrewshire*

All Saints Church, Cardiff, 2R. 822, 824

Criminal Law—Questions, &c.

Broadmoor Asylum—Criminal Lunatics, Maintenance of, 652

Collumpton Magistrates—Webber, John, Case of, 1507, 1686

Criminal Lunatics—Crickhowell Union, 1274

Criminal Prosecutions—Treasury Revision of Costs, 504, 1635

Murphy, Mr., Assault on the late, 286

Oxfordshire Magistrates—Norris, Mr., Case of, 1349

Criminal Law—Reformatory and Industrial Schools, Res. 626

Criminal Law—Release of the Whitehaven Rioters, Res. 956, 971

Education (Scotland), Comm. 292

Master and Servant (Wages), 1588

Metropolitan Police—Questions, &c.

Carter, George, Constable, Case of, 840

Cruelty to Animals, 1271

Southampton, Strike of Seamen at, 653

Superannuation, 1853

Mine Dues, 2R. 1661

Municipal Corporations (Election of Aldermen), Res. 404

Permissive Prohibitory Liquor, 2R. 483

Polling Places (Scotland), Motion for Returns, 974

Public Prosecutors, 1507; Comm. 1957, 1959, 1960, 1971

Registrars of Deeds, &c. (Middlesex), 1849

Supply—Broadmoor Criminal Lunatic Asylum, 1885, 1894

Copyhold, Inclosure, and Tithe Commissions, 1534

County and Borough Police (Great Britain), 1893

Criminal Prosecutions, 1869

Metropolitan Police, 1882, 1883

Treaty of Washington—Notice, Motion for Adjournment, 1561

Turnpike Act Continuance, 834

Wild Fowl Protection, 2R. 1654

Women, Employment of—Smith, Mary Ann, Case of, 1506

Workshop Regulation Act (1871), 1851

BRUCE, Sir H. H., *Coleraine*

Irish Church Act Amendment, Comm. 359

Navy—Channel Squadron, 102

BRUEN, Mr. H., *Carlow Co.*

Criminal Trials (Ireland), 2R. 1644

Irish Church Act Amendment, Comm. 358

Parliamentary and Municipal Elections, Considered, *cl.* 17, 540

BUCKHURST, Lord

Dangerous Exhibitions—Women and Children, 1733

Intoxicating Liquor (Licensing), Comm. *cl.* 20, Amendt. 582

Railways—Telegraph Block System, Motion for Returns, 274

Treaty of Washington, 1682

Building Societies Bill (*Mr. Gowley, Sir Roundell Palmer, Mr. Torrens, Mr. William Henry Smith, Mr. Dodds*)

c. Committee*; Report May 7 [Bills 66-153]

Burial Grounds Bill [H.L.]

c. Bill read 2^o, after debate June 7, 1420 [Bill 111]

BURY, Right Hon. Viscount, Berwick-on-Tweed

Parliamentary and Municipal Elections, *Consid.* 525; *Schedule* 1, 548
 Permissive Prohibitory Liquor, 2R. 497
 Treaty of Washington, 1041; *Res.* 1280; Motion for Adjournment, 1281, 1697, 1740

BUTT, Mr. I., Limerick City

Ireland—Criminal Law—Roche, Mr., Imprisonment of, 284
 Ireland—Clare, Lord Lieutenant of, *Res.* 440
 Municipal Corporations (Ireland) Law Amendment, 2R. 1655
 Unlawful Assemblies (Ireland) Act Repeal, 2R. 146, 147, 151, 152, 161

CADOGAN, Hon. F. W., Cricklade

Supply—Charity Commission, 1530

CAIRNS, Lord

Appellate Jurisdiction, Nomination of Committee, 275, 276, 277
 Intoxicating Liquor (Licensing), *Comm.* cl. 4, 569, 570, 571; cl. 16, 581; cl. 29, 591; cl. 39, 597
 Landlord and Tenant (Ireland) Act, 1870, Motion for a Committee, 1013
 Parliamentary and Municipal Elections, 2R. 1501; *Comm.* 1800; cl. 1, *Amendt.* 1801; cl. 2, 1804, 1819, 1822; cl. 4, 1826; cl. 5, 1828; *add. cl.* 1834; Motion for reporting Progress, 1835, 1840; cl. 33, 1844; *Schedule* 1, 1846
 Party Processions (Ireland) Act Repeal, 2R. 366
 Treaty of Washington, 73, 271, 908, 991, 993, 996; Motion for an Address, 1167, 1176, 1179, 1189, 1266;—Statement, 1564, 1799

CAMBRIDGE, Duke of (Field Marshal Commanding-in-Chief)

Army—Purchase and Scientific Corps, Address for a Commission, 1916

CAMERON, Mr. D., Inverness-shire

Education (Scotland), *Comm.* cl. 8, 1297; cl. 77, 2022; *Amendt.* 2024

CAMPBELL, Mr. H., Stirling, &c.

Army—Militia Surgeons, 1193

CAMPERDOWN, Earl of (Lord of the Admiralty)

Naval College, Portsmouth, Removal of, 176, 180
 Navy—Steam and Coal, Motion for a Paper, 997, 999

Canada, Dominion of—Sale of Arms and Stores

Questions, Major Arbuthnot; Answers, Sir Henry Storks May 9, 501

[See title—*Treaty of Washington—Dominion of Canada*]

CANDLISH, Mr. J., Sunderland

Bastardy Laws Amendment, 2R. 1974
 Criminal Law—Reformatory and Industrial Schools, *Res.* 620
 Education (Scotland), *Comm.* cl. 8, 1290; cl. 67, 2004
 India—Bombay, Old Bank of, *Res.* 227
 Parliamentary and Municipal Elections, *Comm.* *Schedule* 2, 138; *Consid.* 513; cl. 23, 543; *Schedule* 1, 547
 Polling Places (Scotland), Motion for Returns, 973, 975
 Supply—Charity Commission, 1532
 Civil Services, 1052
 Privy Council, 978, 1520
 Public Works Loan Commissioners, &c. 1588

CANTERBURY, Archbishop of

Parliamentary and Municipal Elections, *Comm.* cl. 6, *Amendt.* 1829

CARDWELL, Right Hon. E. (Secretary of State for War), Oxford City

Army—Questions, &c.
 Appointments and Promotions, 1275
 Caval Barracks, 104;—Sickness at, 836
 Commissions—Examinations, 375;—University Candidates, 1279
 Control Department, 1993
 Depot Centres, County Military, 782
 Exchanges by Sub-Lieutenants, 1027
 Fermoy Barracks, 504
 Grenadier Guards, Band of, 1031, 1510, 1511
 Irish Militia, 505
 Militia Permanent Staff, 280
 Officers—Presentations at Court, 103
 Scientific Corps, 1692;—First Captains in, 1994
 Volunteers, 1994
 Volunteers—Capitation Grant, 829
 Windsor, Cavalry Barracks—Logie, Surgeon Major, 833, 834
 Army—Autumn Manœuvres, *Res.* 798, 801, 805

CARLISLE, Bishop of

Church Seats, *Comm.* cl. 2, 171
 Intoxicating Liquor (Licensing), *Comm.* cl. 20, 585
 Parliamentary and Municipal Elections, *Comm.* cl. 6, 1830
 Trusts of Benefices and Churches, 2R. 1906

CARNARVON, Earl of

Pacific Islanders Protection, *Comm.* 368
 Parliamentary and Municipal Elections, 2R. 1476

CARNEGIE, Hon. C., Forfarshire

Education (Scotland), *Comm.* 224; cl. 1, 1067; cl. 50, 1373; cl. 52, 1705; cl. 73, 2020; cl. 77, 2024

CARTER, Mr. R. M., *Leeds*

Ecclesiastical Commissioners—Finsbury Estate, 100
 Permissive Prohibitory Liquor, 2R. 458

CARTWRIGHT, Mr. W. C., *Oxfordshire*

Diplomatic Service, Report, 1507
 France—Treaty of Commerce, Denunciation of the, Res. 1780

Cattle Disease (Ireland) Acts Amendment Bill (*Mr. William Henry Gladstone, Mr. Baxter, The Marquess of Hartington*)

- c. Considered in Committee; Bill ordered; read 1^o *May* 9 [Bill 159]
 Read 2^o *May* 13
 Committee*; Report *May* 31
 Read 3^o *June* 3
 l. Read 1^o (*Marquess of Lansdowne*) *June* 4
 Read 2^o *June* 10 (No. 125)
 Committee*; Report *June* 11
 Read 3^o *June* 13
 Royal Assent *June* 27 [35 & 36 Vict. c. 16]

Cattle—Importation of Sheep and Cattle—Order in Council, 1871

Question, Mr. J. B. Smith; Answer, Mr. W. E. Forster *May* 13, 650

CAVE, Right Hon. S., *New Shoreham*

Criminal Law—Reformatory and Industrial Schools, Res. 622
 European Assurance Society, 3R. 1587
 France—Treaty of Commerce, Denunciation of the, Res. 1788
 Navy—Rule of the Road at Sea—Steering and Sailing Rules, Motion for a Select Committee, 383
 Parliamentary and Municipal Elections, Comm. Schedule 2, 138, 139
 Supply—Privy Council, 1520

CAVENDISH, Lord F. C., *Yorkshire, W.R., N. Div.*

Mine Dues, 2R. 1661

CAWLEY, Mr. C. E., *Salford*

Education (Scotland), Comm. cl. 73, 2020
 Municipal Corporations (Wards), Consid. 778; Amendt. 780
 Parliamentary and Municipal Elections, Comm. Schedule 1, Amendt. 130, 131; Schedule 2, Amendt. 138, 139; Consid. cl. 16, 535

CECIL, Lord E. H. B. G., *Essex, W.*

Army—Appointments and Promotions, 1275
 Commissions—University Candidates, 1279
 Treaty of Washington, 1862

Chain Cables and Anchors Act (1871) Suspension Bill

(*Mr. Chichester Fortescue, Mr. Arthur Peel*)

- c. Considered in Committee; Bill ordered; read 1^o *June* 3 [Bill 183]
 Read 2^o *June* 6
 Committee*; Report *June* 17
 Read 3^o *June* 18
 l. Read 1^o (*Earl Cowper*) *June* 18 (No. 183)

CHAMBERS, Mr. M., *Devonport*

India—Bombay, Old Bank of, Res. 232
 Municipal Corporations (Election of Aldermen), Res. 406
 Parliament—Business of the House, Res. 1224
 Parliamentary and Municipal Election, Consid. cl. 4, 530, 531
 Supply—Public Record Office, 1538
 Woods, Forests, &c. 1540

CHANCELLOR, The LORD (Lord HATHERLEY)

Appellate Jurisdiction, Nomination of Committee, 275, 276
 Landlord and Tenant (Ireland) Act, 1870, Motion for a Committee, 1017
 Parliamentary and Municipal Elections, 2R. 1498; cl. 2, 1807; cl. 4, 1826; add. cl. 1838
 Statute Law Revision, 2R. 1022, 1023
 Treaty of Washington, Motion for an Address, Motion for Adjournment, 1187, 1189, 1264; —Statement, 1570

CHANCELLOR of the EXCHEQUER (Right Hon. R. LOWE), *London University*

Army—Torpedoes—Harvey, Captain, 788
 Court of Chancery (Funds), Comm. 690; cl. 18, 693; cl. 21, 696, 697; Consid. 1723
 Customs and Inland Revenue, Comm. cl. 6, 1556; cl. 12, ib.; cl. 13, 1560; add. cl. ib., 1561; Consid. add. cl. 1903
 Inland Revenue—Income Tax—Tenant Farmers, 1514
 Shootings, Income Tax on, 652
 Ireland—Taxation, Exemption from, 286
 Parliament—Counts Out, 1993
 Public Business, Report of Select Committee on, 1278
 Parliament—Business of the House, Res. 1234
 Pensions Commutation Act—March, Lieutenant, Case of, 283
 Royal Mint—Silver Coinage, 604
 Sugar—Drawback Convention, 1026
 Supply—Charity Commission, 1531
 County Courts, 1879
 Court of Chancery, 1872, 1875, 1876
 Law Charges—Treasury, Motion for reporting Progress, 1553
 Offices of the Registrars of Friendly Societies, 1539
 Privy Council, 977
 Woods, Forests, &c. 1541
 Works and Public Buildings, 1543
 Tiebhorne, v. Lushington—Prosecution, &c. 102, 372, 375, 1272, 1273
 Vienna—International Exhibition (1873), 1270
 Wellington Monument, Motion for Papers, 200
 Working Men's Clubs—Excise, The, 1513

Chancery Funds—29 Vict. c. 5

Question, Mr. Sinclair Aytoun; Answer, The Solicitor General *May* 30, 830

Charitable Loan Societies (Ireland) Bill
(*The Marquess of Hartington, Mr. Attorney General for Ireland*)

- c. Ordered; read 1^o *May* 13 [Bill 167]
Read 2^o *May* 27
Committee*; Report *May* 30
Read 3^o *June* 3
l. Read 1^o (*Marquess of Lansdowne*) *June* 4
Read 2^o *June* 10 (No. 124)
Committee* Report *June* 11
Read 3^o *June* 13
Royal Assent *June* 27 [35 & 36 Vict. c. 17]

Charitable Trustees Incorporation Bill
(*Mr. Hinde Palmer, Mr. Headlam, Mr. Osborne Morgan*)

- c. Committee* (*on re-comm.*)—R.F. *May* 3
Committee*; Report *May* 13 [Bill 120]
Considered* *May* 31
Read 3^o *June* 3
l. Read 1^o (*Lord Romilly*) *June* 4 (No. 127)
Read 2^o *June* 13
Committee*; Report *June* 20

CHARLEY, MR. W. T., *Salford*
Bastardy Laws Amendment, 2R. 1872
Irish Church Act Amendment, Comm. 356
Parliamentary and Municipal Elections, Comm.
Schedule 1, Amendt. 107, 123; Consid.
add. cl. 513; cl. 3, Amendt. 528; cl. 4,
Amendt. 529, 530; Schedule 1, 677

CHELMSFORD, Lord
Appellate Jurisdiction, Nomination of Committee, 277
Intoxicating Liquors (Licensing), Comm. cl. 6,
Amendt. 573
Naval College, Portsmouth, Removal of, 174

CHILDERS, Right Hon. Hugh C. E., *Pontefract*
Court of Chancery (Funds), Comm. cl. 21, 696
Navy—Rule of the Road at Sea—Steering and Sailing Rules, Motion for a Select Committee, 389
Navy Estimates—Dockyards at Home and Abroad, 747, 749, 763, 768
Victualling Yards, 770
Parliamentary and Municipal Elections, Comm.
Schedule 1, 124; Consid. 525

Christchurch Annual Fairs Abolition
Question, The Earl of Malmesbury; Answer,
The Earl of Morley *June* 14, 1730

Church of England Fire Insurance Bill
[H.L.] (*Lord Egerton*)

- l. Presented; read 1^o *May* 10 (No. 102)

Church Seats Bill [H.L.]
(*Earl Nelson*)

- l. Committee *May* 3, 170 (No. 59)
Report* *May* 6 (No. 97)
Read 3^o *June* 7
c. Read 1^o (*Mr. Beresford Hope*) *June* 10
Read 2^o *June* 14 [Bill 194]

CLANRICARDE, Marquess of
Landlord and Tenant (Ireland) Act, 1870, Motion for a Committee, 1020
Parliamentary and Municipal Elections, Comm.
add. cl. 1841, 1842

CLAY, Mr. J., *Kingston-on-Hull*
Parliament—Business of the House, Res.
1228

Clerks of the Peace and Justices Clerks' Salaries and Fees Bill
(*Mr. Winterbotham, Mr. Secretary Bruce*)
c. Ordered; read 1^o *May* 13 [Bill 164]

CLEVELAND, Duke of
Intoxicating Liquor (Licensing), Comm. cl. 16, 581; cl. 31, 594
Prison Ministers, Report, cl. 3, 361; cl. 4, 362; Schedule, 363

COCHRANE, Mr. A. D. W. R. Baillie, *Isle of Wight*
Canada, Dominion of—Treaty of Washington, 603, 652
Education (Scotland), Comm. cl. 4, 1201; cl. 8, 1290; cl. 19, 1322; cl. 50, 1371; cl. 68, 2005
France—Quarantine in French Ports, 1193, 1277
Supply—Civil Services, 1053
Treaty of Washington—Statement, 1596, 1736, 1858
Women's Disabilities Removal, 2R. 54

COLCHESTER, Lord
Criminal Law—Release of the Whitehaven Rioters, Motion for Papers, 1729
Parliamentary and Municipal Elections, Comm.
cl. 1, Amendt. 1801; cl. 2, Amendt. 1823; add. cl. 1830

COLEBROOKE, Sir T. E., *Lanarkshire, S.*
Education (Scotland), Comm. cl. 1, 1069; cl. 2, 1196; cl. 4, 1205; cl. 5, 1288; cl. 8, Amendt. 1289, 1294; Amendt. 1299; cl. 35, Amendt. 1357, 1358; cl. 51, 1618; cl. 52, Amendt. 1700, 1704; cl. 59, 1715; cl. 64, 1745, 1752; cl. 65, 1938; cl. 66, 1997; cl. 67, 2003; cl. 68, 2007; cl. 71, 2016
Parliamentary and Municipal Elections, Comm.
Schedule 1, 116
Supply—General Register House, Edinburgh, 1897

COLERIDGE, Sir J. D., *see* ATTORNEY GENERAL, The

COLLINS, Mr. T., *Boston*
Education (Scotland), Comm. 339; cl. 20, 1352, 1353; cl. 35, 1358; cl. 42, 1361; cl. 43, 1363; cl. 50, 1615; cl. 64, 1719; Amendt. 1721, 1744, 1748, 1750, 1756; cl. 66, 2000; cl. 67, Amendt. 2001, 2004; cl. 68, 2006; add. cl. 2028

[cont.]

COLLINS, Mr. T.—cont.

European Assurance Society, 3R. 1586
Ireland—Clare, Lord Lieutenant of, 287
Middlesex Registration of Deeds, 2R. 1261
Parliamentary and Municipal Elections, Comm.
Schedule 1, 123, 548; Consid. Schedule 1,
557; Motion for Adjournment, 563, 668

Colonial Governors (Pensions) Bill

(*Mr. Bonham-Carter, Mr. Knatchbull-Hugessen, Mr. Baxter*)

c. Resolution [May 9] reported, and agreed to;
Bill ordered * May 13
Read 1^o * May 27 [Bill 176]

Colonies

Crown Lands, Question, Mr. Macfie; Answer,
Mr. Knatchbull-Hugessen June 13, 1882
Liquor Laws in the, Question, Sir Wilfrid Law-
son; Answer, Mr. Knatchbull-Hugessen
June 13, 1890

Colonies, The

Amendt. on Committee of Supply May 31, To
leave out from "That," and add "in the
opinion of this House, Her Majesty's Go-
vernment should consider whether it is ex-
pedient and opportune that they should ad-
vise Her Majesty to appoint a Commission to
inquire as to the propriety and best means
of admitting the Colonies, which, by their
loyalty and patriotism, their intelligence and
vigour, their numbers, geographical position,
and resources, have become a highly im-
portant part of the nation, to participation in
the conduct of affairs that concern the general
interest of the Empire" (*Mr. Macfie*) v. 912;
Question proposed, "That the words, &c.;"
after debate, Motion withdrawn

COLONSAY, Lord

Parliamentary and Municipal Elections, Comm.
cl. 16, Amendt. 1843

Consolidated Fund (£6,000,000) Bill

(*Mr. Bonham-Carter, Mr. Chancellor of the
Exchequer, Mr. Baxter*)

c. Considered in Committee; Bill ordered * May 6
Read 1^o * May 7
Read 2^o * May 8
Committee *; Report May 9
Read 3^o * May 10
l. Read 1^o * (*Lord President*) May 10
Read 2^o *; Committee negatived; read 3^o
May 11
Royal Assent May 13 [35 Vict. c. 11]

CORBETT, Colonel E., *Shropshire, S.*

Army—Militia Surgeons, 1193
Army—Autumn Manœuvres, Res. 805
Supply—Privy Council, 982

CORRANCE, Mr. F. S., *Suffolk, E.*

Treaty of Washington, 1693, 1694; Motion for
Adjournment, 1738

CORRIGAN, Sir D. J., *Dublin City*

Ireland—Clare, Lord Lieutenant of, Res. 434
Parliamentary and Municipal Elections, 3R.
884
Unlawful Assemblies (Ireland) Act Repeal, 2R.
167, 169

Corrupt Practices Bill

(*Mr. Attorney General, Mr. Solicitor General*)

c. Committee *—R.P. May 2 [Bill 22]

Corrupt Practices at Municipal Elections

Bill (*Mr. James, Mr. Whitbread, Mr. Cross,
Mr. Leatham, Mr. Rathbone*)

c. Read 2^o * May 7 [Bill 86]
Committee *—R.P. June 3

CORRY, Right Hon. H. T. L., *Tyrone Co.*

Navy—Navigation, System of, Res. 1404
Navy Estimates—Dockyards at Home and
Abroad, 740, 749, 768
Half-Pay—Navy and Marines, 773
Victualling Yards, 770, 772

County Courts (Small Debts) (No. 2) Bill

(*Mr. Bass, Mr. Robert Fowler, Mr. Fawcett,
Mr. West*)

c. Bill withdrawn * June 19 [Bill 121]

County Officers (Ireland) Bill

(*The Marquess of Hartington, Mr. Attorney
General for Ireland*)

c. Ordered; read 1^o * May 27 [Bill 174]

Court of Chancery (Funds) Bill

(*Mr. Baxter, Mr. Solicitor General, Mr. William
Henry Glastone*)

c. Committee *; Report May 2 [Bill 43]
Order for Committee (*on re-comm.*) read; Moved,
"That Mr. Speaker do now leave the Chair"
(*Mr. Baxter*) May 13, 681
Amendt. to leave out from "That," and add
"the Bill be committed to a Select Com-
mittee" (*Sir Richard Baggallay*) v.; Ques-
tion proposed, "That the words, &c.;" after
short debate, Question put, and agreed to;
main Question, "That Mr. Speaker, &c.,"
put, and agreed to; Committee—R.P.

[Bill 140]

Committee * (*on re-comm.*); Report June 4
Moved, "That the Bill be now taken into Con-
sideration" June 13, 1721

Amendt. to leave out from "be," and add "re-
committed, in respect of Clause 31" (*Colonel
French*) v.; Question proposed, "That the
words, &c.;" after short debate, Question
put; A. 54, N. 140; M. 86; words added;
main Question, as amended, put, and agreed to;
Bill re-committed; Committee
Clause 21 (Pension to present Accountant
General) amended

Report

Read 3^o * June 18

l. Read 1^o * (*Lord Chancellor*) June 18 (No. 161)

Courts of Law (Scotland) Agents Bill
(*The Lord Advocate, Mr. Adam*)

c. Read 2^o June 17 [Bill 135]

COWPER, Earl

Parliamentary and Municipal Elections, 2R.
1460; Comm. cl. 2, 1817, 1824

**COWPER-TEMPLE, Right Hon. W. F.,
Hampshire, S.**

Supply—Copyhold, Inclosure, and Tithe Com-
missions, 1634

CRAUFURD, Mr. E. H. J., Ayr, &c.

Education (Scotland), Comm. cl. 1, 1083; cl. 2,
1196; cl. 5, 1288; cl. 8, 1304; cl. 39, 1359;
cl. 51, 1817, 1819; cl. 52, 1829, 1705, 1710;
cl. 59, 1715; cl. 64, 1748; cl. 65, 1759,
1940; cl. 66, Amendt. 1996; cl. 67, 2004;
cl. 68, 2008, 2009, 2010; cl. 77, 2023,
2024

Parliamentary and Municipal Elections, Comm.
Schedule 1, 126; Consid. Schedule 1, Motion
for Adjournment, 562

Polling Places (Scotland), Motion for Returns,
974

Supply—Law Charges, Treasury, 1552

CRAWFORD, Mr. R. W., London

Court of Chancery (Funds), Comm. 687;
cl. 18, 695; cl. 21, *ib.*; Consid. 1722

Customs and Inland Revenue, Consid. *add.* cl.
1903

India—Drafts on London, 1856

India—Bombay, Old Bank of, Res. 244

Parliamentary and Municipal Elections, Comm.
Schedule 1, Amendt. 123

CRICHTON, Viscount, Enniskillen

Irish Church Act Amendment, Comm. 358

Criminal Law

Assault on the late Mr. Murphy, Questions,
Mr. Newdegate, Mr. Percy Wyndham; An-
swers, Mr. Bruce May 6, 285

*Broadmoor Asylum—Maintenance of Criminal
Lunatics*, Question, Mr. White; Answer Mr.
Bruce May 13, 651

Brutal Assaults on Women, Questions, Mr.
Montague Guest; Answers, The Attorney
General, Mr. Straight May 6, 285

Case of John Richard Dymond, Question, Sir
Stafford Northcote; Answer, The Lord Ad-
vocate June 17, 1855

Collumpton Magistrates—Case of John Webber,
Question, Mr. Kay-Shuttleworth; Answer,
Mr. Bruce June 10, 1507; June 13, 1686

Crickhowell Union—Lunatics, Question, Sir
Joseph Bailey; Answer, Mr. Bruce June 6,
1273

Extradition of Criminals—See that title
Freemasonry—Case of David Farrell, Ques-
tion, Mr. O'Reilly; Answer, The Attorney
General for Ireland June 17, 1854

Ireland—Imprisonment of Mr. Roche, Ques-
tion, Mr. Butt; Answer, The Attorney
General for Ireland May 6, 284

[cont.]

CRIMINAL LAW—cont.

Oxfordshire Magistrates—Case of Mr. Norris,
Question, Mr. Locke; Answer, Mr. Bruce
June 7, 1349

Prosecutions—Treasury Revision of Costs,
Question, Mr. Waterhouse; Answer, Mr.
Bruce May 9, 504; Question, Mr. Wharton;
Answer, Mr. Bruce June 13, 1685

*Tichborne v. Lushington—Prosecution of the
"Claimant" for Perjury*, Question, Mr.
Mellor; Answer, The Chancellor of the
Exchequer May 2, 102; Question, Mr.
Onslow; Answer, The Chancellor of the
Exchequer May 7, 372; Questions, Mr. J.
D. Lewis, Mr. Whalley, Mr. Onslow; An-
swers, The Chancellor of the Exchequer,
The Attorney General June 6, 1271

**Criminal Law—Reformatory and Indus-
trial Schools**

Amendt. on Committee of Supply May 10, To
leave out from "That," and add "all Schools
for poor children, aided by public money,
should be under one general Education De-
partment; and that Industrial Schools should
not be treated as penal institutions, but that
children of tender age, whether merely
vagrants or convicted of minor offences,
should, after any due correction, be sent to
such Schools for the rest of their childhood,
as to educational establishments where they
may be trained to industry" (*Sir Charles
Adderley*) v. 608; Question proposed, "That
the words, &c.;" after long debate, Question
put, and agreed to

**Criminal Law—Release of the Whitehaven
Rioters—The Late Mr. Murphy**

Amendt. on Committee of Supply May 31, To
leave out from "That," and add "in the
opinion of this House, the release of the
Whitehaven rioters before the expiration of
their sentence was not warranted by the cir-
cumstances of the case, and has a tendency
to weaken the deterrent power of the Law
against offences of a like character" (*Mr.
Percy Wyndham*) v. 949; Question proposed,
"That the words, &c.;" after debate, Amendt.
withdrawn

Moved that an humble Address be presented
to Her Majesty, praying that Her Majesty
will be graciously pleased to lay before this
House all correspondence relative to the
release of prisoners convicted of assault on
the late Mr. Murphy, whether between the
Roman Catholic chaplain of the jail in which
such prisoners were confined, or with the
visiting or other magistrates of the county
or borough in which the conviction of the
said prisoners took place, or with the Judge
before whom the said prisoners were tried,
and Her Majesty's Government (*Lord Oran-
more and Browne*) June 14, 1725; after
short debate, on Question? resolved in the
negative

**Criminal Law Amendment Act (1871)
Amendment Bill** (*Mr. Vernon Harcourt*,
*Mr. James, Mr. Mundella, Mr. Dixon, Mr.
Milly*)

c. Ordered; read 1^o May 20 [Bill 157]

Criminal Trials (Ireland) Bill

(*Sir Colman O'Loughlen, Sir John Gray, Mr. Pim, Mr. Synan*)

- c. Moved, "That the Bill be now read 2^o"
June 12, 1830
Amendt. to leave out "now," and add "upon this day three months" (*Mr. Attorney General for Ireland*); after short debate, Question put, "That 'now,' &c;" A. 28, N. 165; M. 137; words added; main Question, as amended, put, and agreed to; Bill put off for three months

CROFT, Sir H. G. D., Herefordshire

Parliamentary and Municipal Elections, Consid.
cl. 6, Amendt. 552
Public Prosecutors, Comm. 1971

CROSS, Mr. R. Assheton, Lancashire, S.W.

Army—Commissions—University Candidates, 1278
Bastardy Laws Amendment, 2R. 1974
Juries, 2R. 703
Mines Regulation, 911
Parliament—Private Legislation, Res. 1868
Parliamentary and Municipal Elections, Consid.
cl. 4, 530; cl. 23, 543; Schedule 1, 547;
Amendt. 550, 555; Amendt. 665, 670
Public Prosecutors, Comm. 1960
Supply—Civil Services, 1050
Privy Council, 977, 982

CUBITT, Mr. G., Surrey, W.

Registrars of Deeds, &c. (Middlesex), 1848
Supply—Civil Service Commission, 1533

Custody of Infants Bill

(*Mr. William Fowler, Mr. Andrew Johnston, Mr. Mundella*)

- c. Moved, "That the Bill be now read 2^o"
June 13, 1724 [Bill 93]
Moved, "That the Debate be now adjourned"
(*Mr. James Louther*) [House counted out]

Customs and Inland Revenue Bill

(*Mr. Dodson, Mr. Chancellor of the Exchequer, Mr. Baxter*)

- c. Read 2^o * May 2 [Bill 106]
Committee; Report June 10, 1554
Considered June 17, 1903
Read 3^o * June 18
l. Read 1^o * (*Marquess of Lansdowne*) June 18
(No. 162)

Customs' Department—Out-Door Officers—Competitive Examinations

Question, Lord George Hamilton; Answer, Mr. Baxter June 17, 1853

DALGLISH, Mr. R., Glasgow

Education (Scotland), Comm. cl. 43, Amendt. 1362; cl. 59, 1716; cl. 71, 2015
Parliament—Business of the House, Res. 1234

DALRYMPLE, Mr. C., Buteshire

All Saints Church, Cardiff, 2R. 829
Education—New Code—Evening Schools, 1850
Education (Scotland), Comm. 314; cl. 4, 1204; cl. 5, 1285; cl. 50, 1373; cl. 52, 1704, 1710; cl. 58, 1714; cl. 64, 1746; cl. 65, 1759; cl. 73, 2021; add. cl. 2027, 2029
Workshop Regulation Act (1871), 1851

DALRYMPLE, Mr. D., Bath

Act of Uniformity Amendment, 3R. 1087
Colonies, The, Res. 917
Juries, 2R. 703
Parliament—Ascension Day, 507
Supply—Privy Council, 979, 981, 983
Wild Fowl Protection, 2R. 1647

DAMER, Hon. Captain L. S. W. Dawson-, Portarlinton

Army—Torpedoes—Harvey, Captain, 788

Deans and Canons Resignation Bill

(*Archbishop of Canterbury*)

- l. Royal Assent May 13 [35 Vict. c. 8]

Debtors (Ireland) Bill [H.L.]

(*Lord O'Hagan*)

- l. Select Committee, The Lord Camoys added May 31

Defamation of Private Character Bill

(*Mr. Raikes, Mr. Cross, Mr. Denman*)

- c. Bill read 2^o, after short debate June 5, 1254 [Bill 99]

DELAHUNTY, Mr. J., Waterford City

Borough Representation (Ireland), Res. 631
Court of Chancery (Funds), Comm. cl. 21, 697
Post Office—Mails to South of Ireland, 831

DE LA WARR, Earl

Army—Purchase and Scientific Corps, Address for a Commission, 1930
Intoxicating Liquor (Licensing), Report, add. cl. 1347, 1348

DENISON, Mr. C. BECKETT-, Yorkshire, W.R., E. Div.

India—Bombay, Old Bank of, Res. 225
Parliament—Business of the House, Res. 1232
Parliamentary and Municipal Elections, Consid. Schedule 1, 561, 671, 673

DENMAN, Lord

Parliamentary and Municipal Elections, 2R. 1503; Comm. Amendt. 1800; cl. 5, 1828; add. cl. 1833, 1842
Treaty of Washington, Motion for an Address, 1128

DENMAN, Hon. G., *Tiverton*

Defamation of Private Character, 2R. 1257
Middlesex Registration of Deeds, 2R. Amendt. 1260
Parliament—Business of the House, Res. 1224
Public Prosecutors, Comm. 1971

DENT, Mr. J. D., *Scarborough*

Parliament—Private Legislation, Res. 1669

DERBY, Earl of

Appellate Jurisdiction, Nomination of Committee, 276
Treaty of Washington, 271, 647, 898; Motion for an Address, 1129, 1262, 1264;—Statement, 1577

DE ROS, Lord

Army—Grenadier Guards, Band of, 988
Landlord and Tenant (Ireland) Act, 1870, Motion for a Committee, 1011

DICKINSON, Mr. S. S., *Stroud*

Bishops Resignation Act (1869) Perpetuation, 2R. Amendt. 1219, 1554
Court of Chancery (Funds), Comm. cl. 21, Amendt. 695; Consid. 1721
Education (Scotland), Comm. cl. 64, 1720; Amendt. 1755
India—Public Documents and Papers, 192
India—Bombay, Old Bank of, Res. 224
Navy Estimates—Military Pensions and Allowances, 775
Supply—Court of Chancery, 1873

DILKE, Sir C. W., *Chelsea, &c.*

Metropolis—Sheepshanks Gallery, 99

DILLWYN, Mr. L. L., *Swansea*

All Saints Church, Cardiff, 2R. Amendt. 818
Supply—Civil Services, Amendt. 1053
Court of Chancery, 1874
Office of Lord Privy Seal, Amendt. 1523
Wild Fowl Protection, 2R. 1653

DIMSDALE, Mr. R., *Hertford*

Army—Autumn Manœuvres, Res. 785, 806

Diplomatic Service

British Consulate Establishments, Questions, Mr. Rylands; Answers, Viscount Enfield May 10, 602
Report of the Diplomatic Committee, Question, Mr. Cartwright; Answer, Viscount Enfield June 10, 1507

DISRAELI, Right Hon. B., *Buckinghamshire*

Army—Autumn Manœuvres, Res. 806
Education (Scotland) Amendment, 910
Ireland—Galway Election Petition, 1680
Parliamentary and Municipal Elections, Comm. Schedule 1, 120; Consid. Schedule 1, 562
Treaty of Washington, 105, 663, 710, 783, 787, 841, 1038;—Statement, 1594, 1612, 1613, 1986

DIXON, Mr. G., *Birmingham*

Education (Scotland), Comm. cl. 8, 1300; cl. 65, 1939; cl. 66, 1997; cl. 67, 2001; cl. 71, 2015, 2019
Elementary Education Act—Ludlow School, 1682
Parliamentary and Municipal Elections, Consid. Schedule 1, 555

DODDS, Mr. J., *Stockton*

Municipal Corporations (Wards), Consid. 779

DODSON, Mr. J. G., *Sussex, E.*

Parliament—Private Legislation, 1853
Parliamentary and Municipal Elections, Comm. Schedule 1, 117; Consid. 523

DOWNING, Mr. M'Carthy, *Cork Co.*

Parliamentary and Municipal Elections, Comm. Schedule 1, 125; Consid. cl. 17, Amendt. 537, 540; Schedule 1, 556, 666

DOWSE, Right Hon R. (Attorney General for Ireland), *Londonderry, Do.*

Criminal Trials (Ireland), 2R. Amendt. 1635
Ireland—Questions, &c.
Criminal Law—Roche, Mr., Imprisonment of, 285
Galway Election Petition, 1680, 1681, 1995
Neill, Mrs., Murder of, at Rathgar, 1985
Ireland—Clare, Lord Lieutenant of, Res. 439
Irish Church Act Amendment, Comm. 358
Municipal Corporations (Ireland) Law Amendment, 1656
Parliamentary and Municipal Elections, Consid. add. cl. 510; cl. 17, 538, 541; cl. 26, 545
Parochial Registers (Ireland), 1271
Public Prosecutors, Comm. 1969
Unlawful Assemblies (Ireland) Act Repeal, 2R. 151
Women's Disabilities Removal, 2R. 66

Drainage and Improvement of Lands (Ireland) Acts Amendment Bill

(*Mr. Attorney General for Ireland, The Marquess of Hartington*)

c. Ordered; read 1^o * June 17 [Bill 202]

Drainage and Improvement of Lands (Ireland) Supplemental Bill

(*Mr. William Henry Gladstone, Mr. Baxter*)

c. Ordered; read 1^o * June 4 [Bill 185]

Read 2^o * June 6
Committee *; Report June 7
Read 3^o * June 10

l. Read 1^o * (*Marquess of Lansdowne*) June 11 (No. 142)

DUFF, Mr. M. E. Grant (Under Secretary of State for India), *Elgin, &c.*

Education (Scotland), Comm. cl. 68, 2010
India—Questions, &c.
Andaman Islands, Convicts at, 99
Army—Horse Artillery, 1417

[cont.]

DUFF, Mr. M. E. Grant—cont.

Bombay—Income Tax, 601
Coolies, Recruiting of, 600
Council of India—Indian Presidencies,
 Drafts on, 505
Drafts on London, 1856
Educational Service—Retiring Pensions,
 603
Indian Field Officers, Retirement of, 601
Kooka Insurrection, 372
Madras, Hurricane at, 1194
Peshawur, Water Supply of, 1350
Public Documents and Papers, 192
Staff Appointments, 1514
Talifoo, Mission from, 1859
India—Bombay, Old Bank of, Res. 217, 239

DUFF, Mr. R. W., Banffshire

Education (Scotland), Comm. cl. 4, 1307; cl. 8,
 1302

**DUFFERIN, Earl of (Chancellor of the
 Duchy of Lancaster)**

Party Processions (Ireland) Act Repeal, 2R.
 363

DUNSANY, Lord

Naval College, Portsmouth, Removal of, 175

DYNEVOR, Lord

Intoxicating Liquor (Licensing), Report, cl. 4,
 1337
Prison Ministers, Report, cl. 4, 362

East India (Bengal, &c. Annuity Funds)

Bill (*Mr. Grant Duff, Mr. Ayrton*)

c. Resolution [May 31] reported, and agreed to;
 Bill ordered; read 1^o June 3 [Bill 182]

EASTWICK, Mr. E. B., Penryn, &c.

All Saints Church, Cardiff, 2R. 828
Education (Scotland), Comm. 324
India—Persian Mission, Appointment to the,
 375, 1989
India—Bombay, Old Bank of, Res. 223
Parliamentary and Municipal Elections, Consid.
 Schedule 1, 670
Persia—Foreign Jurisdiction Act, 1279
Polynesian Islanders, 788
South Africa, Res. 815
Women's Disabilities Removal, 2R. 15

**Ecclesiastical Commissioners—The Fins-
 bury Estate**

Questions, Mr. Carter, Mr. Floyer; Answers,
 Sir Thomas Acland May 2, 100

Ecclesiastical Courts and Registries

Bill [H.L.]

c. Read 1^o May 7 [Bill 152]

EDUCATION

Endowed Schools Commission, Question, Sir
 Lawrence Palk; Answer, Mr. W. E. Forster
 May 3, 193

*Endowed Schools Commissioners—Education of
 Girls*, Question, Mr. Fawcett; Answer, Mr.
 W. E. Forster May 9, 509

[See title *Endowed Schools Commissioners*]

[cont.]

EDUCATION—cont.

Inspectors of Elementary Schools, Question, Mr.
 H. Samuelson; Answer, Mr. W. E. Forster
 June 11, 1688

Elementary Education Act

Compulsory Attendance, Question, Mr. Hermon;
 Answer, Mr. W. E. Forster May 30, 837

Election of School Boards, Question, Mr.
 Heygate; Answer, Mr. W. E. Forster
 June 13, 1689

Ludlow School, Question, Mr. Dixon; Answer,
 Mr. W. E. Forster June 13, 1682

Manchester School Board, Question, Mr. Jacob
 Bright; Answer, Mr. W. E. Forster June 7,
 1350

The New Code, 1871—Evening Schools, Ques-
 tion, Mr. C. Dalrymple; Answer, Mr. W.
 E. Forster June 17, 1850

**Education—Retirement Allowances for
 Certificated Teachers**

Amendt. on Committee of Supply May 31, To
 leave out from "That," and add "this House
 will, upon Thursday next, resolve itself into
 a Committee of the Whole House, to con-
 sider of an humble Address to Her Majesty,
 praying that, by a deduction from the Par-
 liamentary Grant in aid of Public Ele-
 mentary Schools, a provision may be made
 for granting Annuities to the Certificated
 Teachers of such Schools upon their retire-
 ment by reason of age and infirmity; and
 to assure Her Majesty that this House will
 make good the same" (*Mr. Whitwell*) v. 939;
 Question proposed, "That the words, &c.;"
 after short debate, Amendt. withdrawn

Education (Scotland) Bill

(*The Lord Advocate, Mr. Secretary Bruce, Mr.
 William Edward Forster*)

c. Order for Committee read; Moved, "That Mr.
 Speaker do now leave the Chair" May 6,
 288

Amendt. to leave out from "That," and add
 "having regard to the principles and history
 of the past educational legislation and practice
 of Scotland, which provided for instruction
 in the Holy Scriptures in the public schools
 as an essential part of education, this House,
 while desirous of passing a measure during
 the present Session for the improvement of
 education in Scotland, is of opinion that the
 Law and practice of Scotland in this respect
 should be continued by provisions in the Bill
 now before the House" (*Mr. Gordon*) v.;
 Question proposed, "That the words, &c.;"
 after long debate, Question put; A. 209,
 N. 216; M. 7; words added; main Question,
 as amended, put, and agreed to [Bill 31]
 Division List, Ayes and Noes, 352

Questions, Mr. Disraeli, Mr. Scourfield; An-
 swers, Mr. Gladstone May 31, 910

Committee—R.F. June 3, 1054

Committee June 4, 1194

I.—GENERAL MANAGEMENT.

Clause 1 (Interpretation of Act)

Clause 2 (Expenses of Scotch Education De-
 partment) postponed

Clause 3 (Department may employ officers in
 Scotland) postponed

[cont.]

Education (Scotland) Bill—cont.

II.—LOCAL MANAGEMENT.

Clause 4 (Election of school boards), 1198
Committee—R.P.

Committee June 6, 1284

Clause 5 (Area of a parish and a burgh)

Clause 6 (United parishes) agreed to

Clause 7 (Burghs may be united with parishes in certain cases), 1289

Clause 8 (First election of school boards), 1289

Clauses 9 to 18, inclusive, agreed to

Clause 19 (School board declared to be a body corporate. Managers), 1306; Committee—R.P.

Committee June 7, 1352

III.—SCHOOLS.

Clause 20 (Parish schools)

Clauses 21 to 23, inclusive, agreed to

Clause 24 (School boards to ascertain amount of accommodation), 1353

Clauses 25 to 34, inclusive, agreed to

Clause 35 (Transference of existing schools to school boards), 1356

Clauses 36 to 38, inclusive, agreed to

Clause 39 (Combination of school boards), 1359

IV.—FINANCE.

Clause 40 (School fund), 1359

Clause 41 (Power to impose rates), 1360

Clause 42 (Borrowing by school boards), 1360

Clause 43 (Burgh school funds to be transferred to school boards), 1362

Clauses 44 to 49, inclusive, agreed to

Clause 50 (School fees), 1367; Committee—R.P.

Committee June 11, 1615

Clause 50 (School fees)

Clause 51 (Teachers houses), 1616

V.—TEACHERS.

Clause 52 (Teachers in office before the passing of the Act. Teachers appointed after passing of Act), 1621; Committee—R.P.

Committee June 13, 1700

Clause 52 (Teachers in office before the passing of the Act. Teachers appointed after passing of Act)

Clause 53 (Qualified teachers) agreed to

Clause 54 (Examinations of Teachers), 1711

Clause 55 (Certificates) agreed to

Clause 56 (University degrees, &c.), 1712

Clause 57 (Removal of teachers appointed before passing of Act), 1713

Clause 58 (Retiring allowances), 1713

Clause 59 (Higher class public schools.—Burgh) 1714

Clause 60 (Higher class public schools.—Parish) agreed to

Clause 61 (Funds) agreed to

VI.—MISCELLANEOUS—INSPECTION—CONSCIENCE
CLAUSE—COMPULSION, &c.

Clause 62 (Evidence of orders, &c. of Education Department) agreed to

Clause 63 (Inspection) agreed to

Clause 64 (Parliamentary grant), 1718; Committee—R.P.

Committee June 14, 1744

Clause 65 (Conscience clause), 1756; Committee—R.P.

[cont.]

Education (Scotland) Bill—cont.

Committee June 18, 1834

Clause 65 (Conscience clause); Committee—R.P.

Schoolmasters, Question, Dr. Lyon Playfair; Answer, The Lord Advocate June 20, 1892

Committee June 20, 1896

Clause 66 (School boards to provide elementary education for poor children), 1896

Clause 67 (Parents to provide elementary education for their children), 2001

Clause 68 (Defaulting parents may be proceeded against), 2004

Clause 69 (Method of procedure) agreed to

Clause 70 (Employers of children to act as parents. Parents not exempted from liability), 2011

Clause 71 (Exemptions), 2013

Clause 72 (Clerks of criminal courts to be furnished with list of defaulting parents), 2019

Clause 73 (Children bound to attend school), 2020

Clause 74 negatived

Clause 75 agreed to

Clause 76 (Teachers appointed under the Act not subject to provisions of 9 & 10 Vict., c. cccxvi), 2022

Clause 77 (Repeal of Acts at variance with this Act), 2022

Clause 78 agreed to

Postponed Clauses

Clause 2 (Expenses of Scotch Education Department) negatived, 2025

Clause 3 (Department may employ officers in Scotland), 2025

New Clause (Appointment of organizing Commissioners in Scotland to act for three years), 2026

Schedules A, B, and C agreed to

Report; re-committed in respect of a New Clause (Expenses of Scotch Education Department)

EGERTON, Lord

Intoxicating Liquor (Licensing), Comm. cl. 31, 594

EGERTON, Hon. A. F., *Lancashire, S.E.*

Parliamentary and Municipal Elections, 3R. 884

EGERTON, Hon. Captain F., *Derbyshire, E.*

Navy—Navigation, System of, Res. 1408

Navy—Rule of the Road at Sea—Steering and Sailing Rules, Motion for a Select Committee, 381

EGERTON, Hon. Wilbraham, *Cheshire, Mid.*

Education (Scotland), Comm. 328

Elementary Education Act (1870) Amendment Bill

(*Mr. Charles Reed, Mr. William Henry Smith, Mr. Morley, Viscount Mahon*)

c. Ordered; read 1^o May 13 [Bill 168]

Read 2^o May 27

Committee; Report May 30

Read 3^o June 3

l. Read 1^o (Lord Lyttelton) June 4 (No. 126)

Elementary Education (Provisional Order Confirmation) Bill (Mr. William

Edward Forster, Mr. Winterbotham)

c. Ordered; read 1^o * May 27 [Bill 175]

Read 2^o * June 3

Committee*; Report; read 3^o June 12

l. Read 1^o * (Lord President) June 13 (No. 148)

Elementary Schools (Certificated Teachers)

Select Committee appointed June 3, 1892;

List of the Committee, 1561

ELLICE, Mr. E., *St. Andrews, &c.*

Education (Scotland), Comm. cl. 1, 1075; cl. 2, Amendt. 1195; cl. 5, 1284, 1288; cl. 8, 1291; cl. 24, 1355; cl. 35, 1358; cl. 52, 1700, 1704, 1709; add. cl. 2027

Parliamentary and Municipal Elections, Comm. Schedule 1, 110, 119; Consid. Schedule 1, 562

ELPHINSTONE, Sir J. D. H., *Portsmouth*

Education (Scotland), Comm. 320; cl. 1, 1084; cl. 2, 1197; cl. 4, 1217; cl. 8, 1292, 1294; cl. 19, 1323; cl. 20, 1353; cl. 35, 1358; cl. 76, 2022; add. cl. 2029

France—Treaty of Commerce, Denunciation of the, Res. 1781

India—Madras, Hurricane at, 1193

Navy—Navigation, System of, Res. 1408

Navy—Rule of the Road at Sea—Steering and Sailing Rules, Motion for a Select Committee, 383

Navy Estimates—Coastguard, &c. 720

Dockyards at Home and Abroad, 755

Half-Pay—Navy and Marines, Motion for reporting Progress, 773

Military Pensions and Allowances, 773

Victualling Yards, 771

Treaty of Washington, Statement, 1806

Endowed Schools and Hospitals (Scotland)

Resolved, That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to issue a Royal Commission to inquire into the nature and amount of all endowments in Scotland, the funds of which are wholly or in part devoted, or have been applied, or which can rightly be made applicable to educational purposes, and which have not been reported on by the Commissioners under the Universities (Scotland) Act, 1858; also to inquire into the administration and management of any Hospitals or Schools supported by such Endowments, and into the system and course of study respectively pursued therein, and to Report whether any and what changes in the administration and use of such Endowments are expedient, by which their usefulness and efficiency may be increased (Sir Edward Colebrooke) May 1

Endowed Schools Commissioners—Ripon Grammar School

Moved, "That an humble Address be presented to Her Majesty, praying Her Majesty that, in so much as the Scheme of the Endowed Schools Commissioners with reference to the

[cont.

Endowed Schools Commissioners—Ripon Grammar School—cont.

Free Grammar School at Ripon, Yorkshire would deprive the poor of that city and its neighbourhood of the facilities of obtaining an education, almost free, now possessed by all classes in that city and its neighbourhood, She will therefore be pleased to withhold Her consent from the said Scheme" (Mr. Wheelhouse) May 7, 444; after short debate, Moved, "That the debate be now adjourned" (Mr. Favocetti); A. 26, N. 84; M. 58

Original Question put; A. 19, N. 84; M. 65

ENFIELD, Viscount (Under Secretary of State for Foreign Affairs), *Middlesex*

British Consular Establishments, 602

Crimea—British Graves in the, 98

Diplomatic Committee, Report, 1508

East African Slave Trade, 654

France—Political Prisoners, Deportation of, 783, 1995

Quarantine in French Ports, 1193, 1277

India—Persian Mission, Appointment to the, 375, 1990

Japan—Japanese Embassy, 1030

Persia—Foreign Jurisdiction Act, 1279

Rome—Papal Court, Diplomatic Representation at the, 1028

Supply—Secret Services, 1547

ENNISKILLEN, Earl of

Party Processions (Ireland) Act Repeal, 2R. 367

Epping Forest Bill [R.L.]

(Duke of St. Albans)

l. Bill read 2^a, after short debate May 3, 189

Committee*; Report, and referred to a Select Committee May 13 (No. 112)

Report of Select Committee* June 10 (No. 132)

Committee* (on re-comm) June 13 (No. 150)

Report* June 14

Read 3^a * June 17

ERSKINE, Admiral J. E., *Stirlingshire*

Navy—Navigation, System of, Res. 1402

European Assurance Society Bill (by Order)

c. Moved, "That the Bill be now read 3^o" June 11, 1584

Amendt. to leave out from "be," and add "re-committed to the former Committee" (Mr. Eykyn) v.; Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn; main Question put, and agreed to; Bill read 3^o

EWING, Mr. A. Orr, *Dumbarton*

Education (Scotland), Comm. 312; cl. 1, 1077;

cl. 2, 1195, 1197; cl. 4, 1206; cl. 5, 1286;

cl. 8, Amendt. 1295, 1298; cl. 24, 1355;

cl. 50, 1615; cl. 51, 1618, 1621; cl. 52,

1701, 1710, 1711; cl. 65, 1759; cl. 66,

1999; cl. 67, 2003; cl. 68, 2006; Amendt.

2008, 2009; cl. 70, Amendt. 2012, 2013;

cl. 76, Amendt. 2022

Parliamentary and Municipal Elections, Comm. Schedule 1, 136

EWING, Mr. H. E. CRUM- Paisley
Education (Scotland), Comm. cl. 1, 1071 ;
cl. 65, Amendt. 1943, 1947

EXCHEQUER, CHANCELLOR of the, see
CHANCELLOR of the EXCHEQUER

Exhibitions, Dangerous — Women and Children
Observations, Lord Buckhurst ; Reply, The Earl of Morley June 14, 1733

Extradition (Germany)—Communist Prisoners (France)—Papers presented by Command

Observations, Earl Granville June 13, 1622
Correspondence respecting the embarkation of Communist Prisoners from French Ports to England : And
Treaty between Her Majesty and the Emperor of Germany for the mutual surrender of Fugitive Criminals ; signed at London 14th May 1872 :
Presented (by command), and ordered to lie on the Table

Extradition of Criminals

Moved that an humble Address be presented to Her Majesty for, Returns stating the number and nature of all treaties or conventions at present in force with foreign states for the extradition of criminals (*The Earl of Rosebery*) May 3, 181 ; after short debate, Motion agreed to

EYKYN, Mr. R., Windsor
European Assurance Society, 3R. Amendt. 1584, 1587
Police Superannuation, 1852
Public Prosecutors, Comm. 1967
Supply—Privy Council, 1518

Eyre, Mr., Late Governor of Jamaica—
Payment of Legal Expenses
Questions, Mr. Bowring, Colonel North ; Answers, Mr. Gladstone May 27, 706

FAWCETT, Mr. H., Brighton
Agricultural Children, 2R. 1660
Customs and Inland Revenue, Comm. cl. 12, 1559
Education—Ripon Grammar School, Motion for an Address, 445
Endowed Schools Commissioners—Education of Girls, 509
Law Officers of the Crown, 247
Parliament—Public Business, 1027

Fenian Convicts—Reported Amnesty
Question, Sir George Jenkinson ; Answer, Mr. Gladstone May 27, 708

FEVERSHAM, Earl of
Appellate Jurisdiction, Nomination of Committee, 277

VOL. CCXI. [THIRD SERIES.]

Fires Bill (Mr. McLagan,
Mr. Charles Turner, Mr. Agar-Ellis)
c. Committee* ; Report June 17 [Bills 7-199]

FITZMAURICE, Lord E. G., Calne
Education (Scotland), Comm. cl. 8, 1302 ;
cl. 64, 1753

FLOYER, Mr., J. Dorsetshire
Ecclesiastical Commissioners—Finsbury Estate, 101
Parliamentary and Municipal Elections, Consid. 517

FORDYCE, Mr. W. D., Aberdeenshire, E.
Education (Scotland), Comm. cl. 8, 1290 ;
cl. 52, 1708 ; cl. 68, 2009

FORSTER, Right Hon. W. E. (Vice President of the Committee of Council on Education), Bradford
Agricultural Children, 2R. 1659
Cattle—Importation of—Order in Council, 1871, 650

Education—Questions, &c.
Certificated Teachers Pensions, Notice, 944
Endowed Schools Commission, 193
Inspectors of Elementary Schools, 1588
Manchester School Board, 1350
New Code—Evening Schools, 1851
Education—Ripon Grammar School, Motion for an Address, 444
Education (Scotland), Comm. 341 ; cl. 1, 1081 ;
cl. 2, 1195 ; cl. 8, 1303, 1305 ; cl. 50, 1373 ;
cl. 52, 1706 ; cl. 59, 1715, 1718 ; cl. 64, 1747, 1753 ; cl. 65, 1937, 1938 ; cl. 68, 2007, 2009 ; cl. 73, 2020, 2021 ; add. cl. 2027

Elementary Education Act—Compulsory Attendance, 838
Ludlow School, 1682
School Boards, Election of, 1689
Endowed Schools Commissioners—Education of Girls, 509
Metropolis—Sheepshanks Gallery, 99
Parliamentary and Municipal Elections, Comm. Schedule 1, 113, 118, 120, 122, 123, 124, 126, 129, 131, 132, 133, 134 ; Amendt. 135 ; Schedule 2, 138, 139 ; Consid. 512, 514 ; cl. 3, 528 ; cl. 4, 529, 530 ; Amendt. 531 ; cl. 6, 532 ; cl. 8, Amendt. 533 ; cl. 16, 534 ; cl. 17, 539 ; cl. 23, 543 ; cl. 26, 544 ; Schedule 1, 546, 547, 548 ; Amendt. 549, 555 ; Amendt. 557, 560, 562, 563, 669, 671, 672, 674 ; Amendt. 675, 677 ; Amendt. 680 ; 3R. 845, 846, 855, 880
Supply—Privy Council, 978, 979, 980, 982

FORTESCUE, Right Hon. Chichester S. (President of the Board of Trade), Louth Co.

France—Treaty of Commerce, Denunciation of the, Res. 1791
Ireland—Arran Islands—Straw Island, Light-house on, 837
Navy—Rule of the Road at Sea—Steering and Sailing Rules, Motion for a Select Committee, 385, 836

3 X

[cont.]

FORTESCUE, Right Hon. C. S.—cont.

Parliament—Private Legislation, 1854
 Railways—Box Tunnel, Accident in the, 278
 Communication with Guards, 1687
 St. George's Channel—Lighthouse on the
 Tuscar Rocks, 898
 Suez Canal—Dues, Increase of, 1688
 Supply—Privy Council, 1518, 1522
 Water Supply (Metropolis), 279
 Weights and Measures (Metric System) Act
 (1864), 1859

FOWLER, Mr. R. N., Penryn, &c.

Colonies, The, Res. 919
 Customs and Inland Revenue, Consid. add. cl.
 1903
 Juries, 2R. 703
 Navy Estimates—Military Pensions and Allow-
 ances, 774
 Parliament—Business of the House, Res.
 1232
 Parliamentary and Municipal Elections, Comm.
 Schedule 2, 138, 139; Consid. Schedule 1,
 553
 South Africa, Res. 806
 Supply—Salaries and Allowances of Governors,
 &c. 1902

FOWLER, Mr. W., Cambridge Bo.

Ordnance Survey (England), Res. 397
 Permissive Prohibitory Liquor, 2R. 497
 Women's Disabilities Removal, 2R. 69

France

*Deportation of Political Prisoners—Corre-
 spondence*, Question, Mr. Mundella; An-
 swer, Viscount Enfield May 28, 783; Ob-
 servations, Question, Mr. Otway; Reply,
 Mr. Gladstone May 30, 829; Question, Mr.
 Otway; Answer, Viscount Enfield June 20,
 1995

Quarantine in French Ports, Question, Mr.
 Baillie Cochrane; Answer, Viscount Enfield
 June 4, 1193; June 6, 1277

**France—Denunciation of the Treaty of
Commerce**

Amendt. on Committee of Supply June 4, To
 leave out from "That," and add "the recent
 action of the French Government in imposing
 'Differential Duties' on merchandise carried
 in British Ships in the 'Indirect Trade,' is
 inconsistent with the policy mutually agreed
 upon between the two Countries in 1866;
 and that such policy, whilst likely to entail
 serious injury upon French Trade and Manu-
 factures, is calculated, in the present circum-
 stances of the 'Carrying Trade,' to inflict
 injury upon British Shipping, and to impair
 the relations and intercourse between the
 two Countries, which have grown up under
 recent commercial arrangements, more espe-
 cially when it is considered that other Euro-
 pean flags are (under Treaties recently made
 with them) free from the restrictions now
 imposed upon British Shipping" (*Mr.
 Graves*) v. 1760; Question proposed, "That
 the words, &c.;" after long debate, Amendt.
 withdrawn

**FRENCH, Right Hon. Colonel F., Res-
common Co.**

Court of Chancery (Funds), Consid. Amendt.
 1721
 Parliament—Derby Day, 795

Game Laws

Instruction to the Select Committee on the
 Game Laws, to inquire into the Laws for the
 protection of deer in Scotland, with reference
 to their general bearing upon the interest of
 the community (*Mr. Hunt*) June 19

GARLIES, Lord, Wigtonshire

Army—Windsor Cavalry Barracks—Logie, Sur-
 geon Major, 833, 834
 Education (Scotland), Comm. 332; cl. 4,
 1212; cl. 2, 2025; Motion for reporting
 Progress, add. cl. 2027

Gas and Water Orders Confirmation Bill

(*Mr. Arthur Peel, Mr. Chichester Fortescue*)

c. Committee *; Report May 2 [Bill 125]

Considered * May 3

Read 3^o * May 6

l. Read 1^o * (*Earl Cowper*) May 7 (No. 101)

Read 2^o * and referred to a Select Committee

May 31

Committee nominated June 3; List of the

Committee, 1023

Committee * June 7

Report * June 10

Read 3^o * June 14

Royal Assent June 27 [35 & 36 Vict. c. lxx.]

Gas and Water Orders Confirmation

(No. 2) Bill

(*Mr. Arthur Peel, Mr. Chichester Fortescue*)

c. Ordered: read 1^o * May 2 [Bill 141]

Read 2^o * May 6

Committee *; Report May 27

Considered * May 30

Read 3^o * May 31

l. Read 1^o * (*Earl Cowper*) June 3 (No. 122)

Read 2^o * June 11

Committee * June 13

Report * June 17

Read 3^o * June 18

Royal Assent June 27 [35 & 36 Vict. c. lxx.]

GILPIN, Mr. C., Northampton Bo.

East African Slave Trade, 653

Mauritius—Indian Labourers in the, 1683

Post Office—Irish Mails—Milford, 1684

South Africa, Res. 814

**GLADSTONE, Right Hon. W. E. (First
Lord of the Treasury), Greenwich**

Act of Uniformity Amendment, Comm. cl. 6,
 889; Preamble, 891, 894, 896; 3R. 1085,
 1089

Bishops Resignation Act (1869) Perpetuation,
 2R. 1221, 1554

Canada—Dominion of—Guaranteed Loan, 384

Court of Chancery (Funds), Comm. cl. 18,
 694

Customs and Inland Revenue, Comm. 1855;
 cl. 12, 1558; Consid. add. cl. 1904

[cont.]

GLADSTONE, Right Hon. W. E.—*cont.*

Education (Scotland) Amendment, 910, 911 ;
Comm. *cl.* 1, 1084 ; *cl.* 19, 1316, 1322 ;
cl. 65, 1759 ; *cl.* 71, 2017 ; *add. cl.* 2028,
2029
Eyre, Mr.—Legal Expenses, Payment of, 706,
707
Fenian Convicts—Reported Amnesty, 708
France—Political Prisoners, Deportation of,
830, 831
France—Treaty of Commerce, Denunciation of
the, Res. 1792
India—Bombay, Old Bank of, Res. 243
Ireland—Galway Election—Keogh, Mr. Jus-
tice, 1025, 1676, 1677, 1679, 1681, 1860,
1861, 1862, 1987
Irish Church Act Amendment, Comm. 357
Local Taxation, 1273, 1279
Mines Regulation, 911
Parliament—Questions, &c.
Ascension Day, 507
Derby Day, 793
Galway Election—Keogh, Mr. Justice,
Judgment of, 841
Public Business, 839, 1027, 1028, 1031,
1043, 1509
Whitsuntide Recess, 103, 376
Parliament—Business of the House, Res.
1223, 1237
Parliamentary and Municipal Elections, Comm.
Schedule 1, 127 ; Consid. Schedule 1, 556
Supply—Broadmoor Criminal Lunatic Asylum,
1893
Charity Commission, 1532
Civil Services, 1052, 1053
Office of Lord Privy Seal, 1524
Treaty of Washington, 105, 371, 607, 608, 654,
665, 713, 718, 784, 786, 787, 841, 842, 843,
911, 1032, 1038, 1039, 1045, 1046, 1048,
1276 ; Res. 1282 ;—Statement, 1589, 1592,
1597, 1601, 1604, 1609, 1612, 1613, 1614,
1693, 1695, 1698, 1699, 1736, 1737, 1739,
1741, 1742, 1863, 1864, 1987, 1988, 1989
Unlawful Assemblies (Ireland) Act Repeal, 2R.
160, 161

GLOUCESTER and BRISTOL, Bishop of
Church Seats, Comm. *cl.* 2, 172GOLDNEY, Mr. G., *Chippenham*

Act of Uniformity Amendment, Preamble, 896
All Saints Church, Cardiff, 2R. 82i
Municipal Corporations (Wards), Consid. 777
Parliamentary and Municipal Elections, Comm.
Schedule 1, 132, 134 ; Schedule 2, 139 ;
Consid. *cl.* 16, 535 ; Schedule 1, Amendt.
546, 548, 681
Registration of Borough Voters, Comm. 1249
Supply—Woods, Forests, &c. 1541
Works and Public Buildings, 1543
Treaty of Washington, 1048 ;—Statement, 1606

GOLDSMID, Sir F. H., *Reading*

Court of Chancery (Funds), Comm. 693

GOLDSMID, Mr. J., *Rochester*

Permissive Prohibitory Liquor, 2R. 463
Supply—Civil Services, 1054
Wellington Monument, Motion for Papers, 193,
200, 204

GORDON, Right Hon. E. S., *Glasgow*,
&c. Universities

Education (Scotland), Comm. Amendt. 288,
292, 295 ; *cl.* 1, 1054 ; Amendt. 1056, 1063,
1082, 1083 ; Amendt. 1194 ; *cl.* 4, Amendt.
1198, 1217 ; *cl.* 5, Amendt. 1284 ; *cl.* 7,
Amendt. 1289 ; *cl.* 8, 1292, 1298 ; *cl.* 19,
Amendt. 1306 ; *cl.* 24, 1363, 1354 ; *cl.* 39,
Amendt. 1359 ; *cl.* 40, *ib.* ; *cl.* 42, Amendt.
1360 ; *cl.* 43, 1365 ; *cl.* 50, Amendt. 1367,
1371 ; *cl.* 51, Amendt. 1610, 1618 ; Amendt.
1619, 1620 ; *cl.* 52, 1629, 1707 ; *cl.* 54,
Amendt. 1711 ; *cl.* 56, Amendt. 1712 ; *cl.* 58,
Amendt. 1719 ; Amendt. 1716 ; *cl.* 65, 1758,
1941 ; *cl.* 71, 2018 ; *cl.* 72, 2019 ; *cl.* 73,
Amendt. 2020 ; *add. cl.* 2026, 2027, 2029
Parliamentary and Municipal Elections, Consid.
cl. 16, 536 ; Schedule 1, 678
Polling Places (Scotland), Motion for Returns,
975
Treaty of Washington—Statement, 1604

GORE, Mr. W. R. ORMSBY- *Leitrim Co.*
Irish Church Act Amendment, Comm. 359GOSCHEN, Right Hon. G. J. (First
Lord of the Admiralty), *London*

Navy—Questions, &c.
Channel Squadron, 102, 1990
Chatham Dockyard—Railway Connection,
781
Greenwich Pensions, 707
Marines, Captains of, 1691
"Thalia," The, Storeship, 1857
Navy—Navigation, System of, Res. 1411
Navy Estimates—Coastguard, &c. 719, 720
Dockyards at Home and Abroad, 721, 726,
731, 738, 764, 766, 768, 769
Half Pay—Navy and Marines, 773
Medical Establishments, 772
Military Pensions, 774, 775
Victualling Yards, 771, 772

GOURLEY, Mr. E. T., *Sunderland*

Army—County Military Depot Centres, 782

GRAHAM, Mr. W., *Glasgow*

Education (Scotland), Comm. *cl.* 1, 1070 ; *cl.* 8,
1290, 1304 ; *cl.* 19, 1323 ; *cl.* 59, Amendt.
1716 ; *cl.* 65, 1936, 1943 ; *cl.* 68, 2003

GRANVILLE, Earl (Secretary of State for
Foreign Affairs)

Appellate Jurisdiction, Nomination of Commit-
tee, 275, 276
Army—Grenadier Guards, Band of, 988
Extradition of Criminals, Address for Returns,
182, 1662
Parliament—Whitsuntide Recess, 191, 648
Parliamentary and Municipal Elections, Comm.
1800 ; *cl.* 2, 1809, 1822 ; *add. cl.* 1836, 1840
Treaty of Washington, 73, 267, 270, 271, 272,
273, 564, 632, 642, 899, 902, 904, 906, 908,
989, 991, 993, 995, 996, 1093, 1094, 1095 ;
Motion for an Address, 1107, 1110, 1125,
1156, 1176, 1188, 1262, 1266, 1267 ;—State-
ment, 1662, 1679, 1682, 1683, 1726, 1732,
1799, 1800

- GRAVES, Mr. S. R., *Liverpool***
 France—Treaty of Commerce, Denunciation of the, Res. 1760, 1798
 Navy—Rule of the Road at Sea—Steering and Sailing Rules, Motion for a Select Committee, 390
- GRAY, Sir J., *Kilkenny Bo.***
 Army—Equipment of the, 103
 Ireland—Galway Election Petition, 1681
 Ireland—Clare, Lord Lieutenant of, Res. 448
 Parliamentary and Municipal Elections, 3R. 852
 Unlawful Assemblies (Ireland) Act Repeal, 2R. 166
- GREENE, Mr. E., *Bury St. Edmunds***
 All Saints Church, Cardiff, 2R. 829
 Army—Autumn Manœuvres, Res. 804
 Colonies, The, Res. 938
 Education (Scotland), Comm. 336
- GREGORY, Mr. G. B., *Sussex, E.***
 Bastardy Laws Amendment, 2R. 1974
 Court of Chancery (Funds), Comm. 687; *cl.* 18, Amendt. 692; Amendt. 694; *cl.* 21, 696; *cl.* 22, 697
 Education—Certificated Teachers Pensions, Notice, 948
 India—Bombay, Old Bank of, Res. 204
 Middlesex Registration of Deeds, 2R. 1259
 Ordnance Survey (England), Res. 397
 Parliamentary and Municipal Elections, Consid. Schedule 1, 670
 Treaty of Washington, 1045;—Statement, 1614, 1735, 1987, 1988
- GREY, Earl**
 Church Seats, Comm. *cl.* 4, Amendt. 172
 Intoxicating Liquor (Licensing), Comm. *cl.* 4, 568; Report, *add. cl.* 1342
 Parliamentary and Municipal Elections, 2R. Amendt. 1427; Comm. *cl.* 2, 1808, 1817
 Treaty of Washington, 270, 930; Motion for an Address, 1120, 1125, 1183, 1265;—Statement, 1580
- GREY, Right Hon. Sir G., *Morpeth***
 Parliamentary and Municipal Elections, Consid. 520
 Supply—Public Works Loan Commissioners, &c. 1538
 Treaty of Washington, 899, 904
- GRIEVE, Mr. J. J., *Greenock***
 Education (Scotland), Comm. *cl.* 1, 1055; *cl.* 65, 1937; *cl.* 71, Amendt. 2013
- GROSVENOR, Hon. Captain R. W., *Westminster***
 Parliamentary and Municipal Elections, Comm. Schedule 1, 117; Consid. Schedule 1, 552
- GUEST, Mr. A. E., *Poole***
 Navy—"Thalia," The, Storeship, 1857
 Navy Estimates—Military Pensions and Allowances, 774
 Supply—Office of Lord Privy Seal, 1528
- GUEST, Mr. M. J., *Youghal***
 Criminal Law—Brutal Assaults on Women, 285
- GURNEY, Right Hon. Russell, *Southampton***
 Public Prosecutors, Comm. 1970
- HAMILTON, Right Hon. Lord C., *Tyrone Co.***
 Ireland—Clare, Lord Lieutenant of, Res. 436
- HAMILTON, Lord C. J., *Lynn Regis***
 All Saints Church, Cardiff, 2R. 825
 Navy—Greenwich Pensions, 707
- HAMILTON, Lord G. F., *Middlesex***
 Customs Department—Competitive Examinations, 1863
 Parliamentary and Municipal Elections, Consid. *cl.* 4, 531
 Turnpike Acts Continuance, 834
- HAMILTON, Marquess of, *Donegal Co.***
 Ireland—Clare, Lord Lieutenant of, Res. 441
- HARCOURT, Mr. W. Vernon, *Oxford City***
 Law Officers of the Crown, 264
 Parliamentary and Municipal Elections, Comm. Schedule 2, 137; Consid. Schedule 1, 553, 558, 665, 671, 674; Amendt. 675; 3R. 854, 855
 Public Prosecutors, Comm. 1955
 Registration of Borough Voters, Comm. 1246, 1253
- HARDY, Right Hon. Gathorne, *Oxford University***
 Act of Uniformity Amendment, Preamble, 895
 Bastardy Laws Amendment, 2R. 1975
 Colonies, The, Res. 929, 935
 Court of Chancery (Funds), Consid. 1723
 Criminal Law—Reformatory and Industrial Schools, Res. 618
 Education (Scotland), Comm. 344; *cl.* 1, 1078, 1080; *cl.* 19, 1320; *cl.* 64, 1747, 1751; *cl.* 73, 2020, 2022
 Parliamentary and Municipal Elections, Consid. *cl.* 26, 545
 Public Prosecutors, Comm. 1956
- HARDY, Mr. J. Stewart, *Rye***
 Parliamentary and Municipal Elections, Consid. Schedule 1, 673
 Women's Disabilities Removal, 2R. 68
- HARROWBY, Earl of**
 Criminal Law—Release of the Whitehaven Rioters, Motion for Papers, 1728
 Intoxicating Liquor (Licensing), Report, *cl.* 4 1336

HARTINGTON, Right Hon. Marquess of
(Chief Secretary for Ireland), *New Radnor*

Ireland—Questions, &c.
Church Temporalities Commissioners, 1515
Galway Election Petition, 1860
Intoxication by Ether, 1024
Landed Proprietors, 1269
Neill, Mrs., Murder of, at Rathgar, 1743, 1934
Poor Law—Union Rating, 837
Reformatory and Industrial Schools, 1512
Ireland—Clare, Lord Lieutenant of, Res. 422, 427
Irish Church Act Amendment, 287; Comm. 355, 359; 3R. 700
Unlawful Assemblies (Ireland) Act Repeal, 2R. Amendt. 143

HATHERLEY, Lord (see CHANCELLOR, The Lord)

HAY, Rear-Admiral Sir J. C. D., Stamford

Education (Scotland), Comm. 318; cl. 1, 1070; cl. 2, 1197; cl. 8, 1301
Navy—Marines, Captains of, 1691
Navy—Navigation, System of, Res. 1400, 1401
Navy—Rule of the Road at Sea—Steering and Sailing Rules, Motion for a Select Committee, 377, 390, 836
Navy Estimates—Dockyards at Home and Abroad, 767, 768
Medical Establishments, 772
Military Pensions and Allowances, 774
Victualling Yards, 771
Supply—Privy Council, 1518

HENLEY, Lord, Northampton Bo.
Parliamentary and Municipal Elections, Consid. Schedule 1, 668

HENLEY, Right Hon. J. W., Oxfordshire

Agricultural Children, 2R. 1660
Bastardy Laws Amendment, 2R. 1976
Court of Chancery (Funds), Comm. 688; cl. 18, 694
Criminal Law—Reformatory and Industrial Schools, Res. 625
Criminal Law—Release of the Whitehaven Rioters, Res. 971
Imprisonment for Debt Abolition, 2R. 1982
India—Bombay, Old Bank of, Res. 230
Juries, 2R. 702
Parliament—Business of the House, Res. 1237
Parliamentary and Municipal Elections, Consid. cl. 16, 536; Schedule 1, 554, 672
Permissive Prohibitory Liquor, 2R. 470
Public Prosecutors, Comm. 1958
Supply—Broadmoor Criminal Lunatic Asylum, 1890
Wild Fowl Protection, 2R. 1654

HENRY, Mr. Mitchell, Galway Co.
Criminal Trials (Ireland), 2R. 1644, 1646
Ireland—Arran Islands—Straw Island, Light-house on, 839
Galway Election—Keogh, Mr. Justice, 1025

HENRY, Mr. M.—cont.

Supply—Broadmoor Criminal Lunatic Asylum, Amendt. 1883, 1892
County Courts, 1880
Privy Council, 978
Queen's and Lord Treasurer's Offices (Scotland), 1551

HERBERT, Right Hon. Major-General
Sir Percy E., *Shropshire, S.*
Army—Scientific Corps, 1692

HERBERT, Hon. Auberon E. W. M., Nottingham Bo.

Army Officers—Presentations at Court, 103
Ireland—Clare, Lord Lieutenant of, Res. 431
Parliamentary and Municipal Elections, Comm. Schedule 1, 134
Wild Fowl Protection, 2R. Amendt. 1648, 1654

HERMON, Mr. E., Preston

Colonies, The, Res. 925
Education—Certificated Teachers Pensions, Notice, 943
Education (Scotland), Comm. 336
Elementary Education Act—Compulsory Attendance, 837
Supply—Civil Services, 1054
Court of Chancery, 1872
Criminal Proceedings, Scotland, 1896
Tichborne v. Lushington—Prosecution, &c. 374
Parliamentary and Municipal Elections, Consid. Schedule 1, 547, 678

HERON, Mr. D. C., Tipperary Co.
Church Temporalities (Ireland) Commissioners, 1515

Ireland—Clare, Lord Lieutenant of, Res. 429
Women's Disabilities Removal, 2R. 56

HERTFORD, Marquess of

Army—Grenadier Guards, Band of, 984
Purchase and Scientific Corps, 1332

HEYGATE, Mr. W. U., Leicestershire, S.

Criminal Trials (Ireland), 2R. 1642
Elementary Education Act—School Boards, Election of, 1689
Ireland—Landed Proprietors, 1268
Municipal Corporations (Election of Aldermen), Res. 400, 406
Parliamentary and Municipal Elections, Consid. cl. 17, 540; 3R. 860
Permissive Prohibitory Liquor, 2R. Motion for Adjournment, 498

HIBBERT, Mr. J. T. (Secretary to the
Poor Law Commissioners), *Oldham*
Poor Law—Goding, Mr., Case of, 1742

HOARE, Sir H. A., Chelsea, &c.
Police—Animals, Cruelty to, 1271

HODGKINSON, Mr. G., Newark Bo.
Parliamentary and Municipal Elections, Consid. add. cl. 511

[cont.]

HOGG, Colonel J. M., *Truro*
Supply—Privy Council, 1821

HOLMS, Mr. J., *Hackney*
Navy—Chatham Dockyard—Railway Connection, 781
Water Supply (Metropolis)—Victoria Park, 1852

HOLT, Mr. J. M., *Lancashire, N.E.*
Criminal Law—Release of the Whitehaven Rioters, Res. 968
Juries, 2R. Motion for Adjournment, 703

HOPE, Mr. A. J. Beresford, *Cambridge University*
Education (Scotland), Comm. cl. 64, 1746, 1752; cl. 65, Amendt. 1757; cl. 68, 2006
Ordnance Survey (England), Res. 399
Parliament—Ascension Day, 505, 507
Derby Day, 795
Parliament—Business of the House, Res. 1225, 1229
Parliamentary and Municipal Elections, Comm. Schedule 1, 132; Consid. cl. 6, 533; cl. 26, 545; Schedule 1, 681
Wild Fowl Protection, 2R. 1648
Women's Disabilities Removal, 2R. 59

HORSMAN, Right Hon. E., *Liskeard*
Act of Uniformity Amendment, Preamble, 894, 895; 3R. 1089
All Saints Church, Cardiff, 2R. 824
Ireland—Clare, Lord Lieutenant of, Res. 437, 441
Treaty of Washington, 717, 1038;—Statement, 1597, 1736, 1737

Hosiery Manufacture (Wages) Bill
(Mr. Pell, Mr. Wheelhouse, Mr. Joshua Fielden, Lord John Manners, Mr. Charles Forster)
c. 2R. adjourned May 27 [Bill 16]

HOSKYNs, Mr. C. WREN-, *Hereford City*
Land Returns—The "New Domesday Book," 1684
Ordnance Survey (England), Res. 390, 395, 400

HOUGHTON, Lord
Intoxicating Liquor (Licensing), 2R. 82

HUGHES, Mr. T., *Frome*
Act of Uniformity Amendment, Preamble, 896
Bishops Resignation Act (1869) Perpetuation, 2R. 1554
Parliament—Derby Day, 789

HUNT, Right Hon. G. W., *Northamptonshire, N.*
Court of Chancery (Funds), Comm. 685; cl. 21, 695; Consid. 1722
Customs and Inland Revenue, Comm. 1555; cl. 12, 1557, 1558; cl. 13, 1560; add. cl. ib.

[cont.]

HUNT, Right Hon. G. W.—*cont.*

Parliamentary and Municipal Elections, Consid. 514; cl. 4, 531; cl. 8, 533; cl. 16, 534; cl. 17, 541; Schedule 1, Amendt. 545; Amendt. 546; Amendt. 548, 561, 669, 673, 673; Amendt. 680
Public Prosecutors, Comm. 1961
Supply—Charity Commission, 1530
Court of Chancery, 1871, 1876
Criminal Prosecutions, 1869

HUNTLY, Marquess of
Intoxicating Liquor (Licensing), Comm. cl. 20, 583

HURST, Mr. R. H., *Horsham*
Bastardy Laws Amendment, 2R. 1974

HYLTON, Lord
Intoxicating Liquor (Licensing), Comm. cl. 20, 583

Imprisonment for Debt Abolition Bill

(Mr. Bass, Mr. Robert Fowler)

c. Ordered; read 1^o May 8 [Bill 156]
Moved, "That the Bill be now read 2^o"
June 19, 1977
Amendt. to leave out "now," and add "upon this day three months" (Mr. Lopes); after short debate, Question put, "That 'now,' &c.;" A. 34, N. 136; M. 102; words added; main Question, as amended, put, and agreed to; Bill put off for three months

INDIA

Appointment to the Persian Mission, Question, Mr. Eastwick; Answer, Viscount Enfield May 7, 375; June 20, 1899

Army

Retirement of Field Officers, Question, Colonel Barttelot; Answer, Mr. Grant Duff May 10, 604

Royal Horse Artillery, Observations, Colonel North, Sir Charles Wingfield; Reply, Mr. Grant Duff; short debate thereon June 7, 1416

Staff Appointments, Question, Sir Patrick O'Brien; Answer, Mr. Grant Duff June 10, 1514

Bank of Bengal—Drafts on London, Question, Mr. Crawford; Answer, Mr. Grant Duff June 17, 1856

Convicts at the Andaman Islands, Question, Mr. Salt; Answer, Mr. Grant Duff May 2, 99

Council of India—Drafts on Indian Presidencies, Question, Mr. M'Arthur; Answer, Mr. Grant Duff May 9, 505

Educational Service—Retiring Pensions, Question, Sir Stafford Northcote; Answer, Mr. Grant Duff May 10, 602

Hurricane at Madras, Question, Sir James Elphinstone; Answer, Mr. Grant Duff June 4, 1193

Income Tax, Presidency of Bombay, Question, Sir David Wedderburn; Answer, Mr. Grant Duff May 10, 600

[cont.]

INDIA—cont.

Indian Labourers in the Mauritius, Question, Mr. Gilpin; Answer, Mr. Knatchbull-Hugessen June 13, 1883
Kooka Insurrection, Question, Mr. Kinnaird; Answer, Mr. Grant Duff May 7, 372
Mission from Talifoo, Question, Sir Stafford Northcote; Answer, Mr. Grant Duff June 17, 1859
Public Documents and Papers, Question, Mr. Dickinson; Answer, Mr. Grant Duff May 3, 192
Recruiting of Coolies, Question, Sir Charles Wingfield; Answer, Mr. Grant Duff May 10, 600
Water Supply of Peshawur, Question, Mr. Stapleton; Answer, Mr. Grant Duff June 7, 1350

India—Old Bank of Bombay—Government Liability

Amendt. on Committee of Supply May 3, To leave out from "That," and add "in the opinion of this House, the case of the Shareholders of the Bank of Bombay is one for the favourable consideration of Her Majesty's Government" (*Mr. Gregory*) v. 204; Question proposed, "That the words, &c.;" after long debate, Question put, A. 116, N. 78; Majority 38

Infant Life Protection Bill

(*Mr. Charley, Dr. Brewer, Dr. Lyon Playfair*)

c. Committee* (on re-comm); Report May 3
 [Bills 108-146]
 Considered* May 13 [Bill 161]
 Read 3^o* May 30

l. Read 1^o* (*Earl of Shaftesbury*) May 31
 Read 2^o*, and referred to a Select Committee June 20 (No. 118)
 Committee nominated June 21; List of the Committee, 1884

International Exhibition, Vienna, 1873

Question, Mr. Bowring; Answer, The Chancellor of the Exchequer June 6, 1269

Intoxicating Liquor (Licensing) Bill

(*Earl of Kimberley*)

l. Read 2^a, after debate May 2, 74 (No. 78)
 Committee May 10, 565
 Re-comm.; Committee June 7, 1332 (No. 106)
 Report* June 10 (No. 131)
 Read 3^a June 13, 1865; after short debate, Bill passed
 c. Read 1^o* (*Mr. Secretary Bruce*) June 17 [Bill 198]

IRELAND

Arran Islands, The—Lighthouse on Straw Island, Question, Mr. Mitchell Henry; Answer, Mr. Chichester Fortescue May 30, 837

Cashel Barracks, Question, Mr. Stacpoole; Answer, Mr. Cardwell May 3, 104—*Sickness at*, Question, Mr. Stacpoole; Answer, Mr. Cardwell May 30, 835

IRELAND—cont.

Church Temporalities (Ireland) Commissioners—Sales of Land, Question, Mr. Heron; Answer, The Marquess of Hartington June 10, 1515

Criminal Law—Imprisonment of Mr. Roche, Question, Mr. Butt; Answer, The Attorney General for Ireland May 6, 284

Customs Clerks at Dublin, Question, Mr. Pim; Answer, Mr. Baxter June 6, 1270

Exemption from Taxation, Question, Colonel Taylor; Answer, The Chancellor of the Exchequer May 6, 286

Fermoy Barracks, Question, Colonel C. Lindsay; Answer, Mr. Cardwell May 9, 503

Freemasonry—Case of David Farrell, Question, Mr. O'Reilly; Answer, The Attorney General for Ireland June 17, 1854

Intoxication by Ether, Question, Colonel Stuart Knox; Answer, The Marquess of Hartington June 3, 1024

Landed Proprietors, Question, Sir Frederick W. Heygate; Answer, The Marquess of Hartington June 6, 1268

Masters and Assistants of National Schools, Question, Mr. Smyth; Answer, Mr. Baxter June 14, 1743

Murder of Mrs. Neill at Rathgar—Altar Denunciations, Question, Mr. Whalley; Answer, The Marquess of Hartington June 14, 1743; June 18, 1933; Question, Observations, Colonel Taylor; Reply, The Attorney General for Ireland June 20, 1984

Parochial Registers, Question, Mr. Pim; Answer, The Attorney General for Ireland June 6, 1270

Poor Law (Ireland)—Union Rating, Question, Mr. M'Mahon; Answer, The Marquess of Hartington May 30, 837

Post Office

Irish Mails, Milford, Question, Mr. Gilpin; Answer, Mr. Monsell June 13, 1684

Irish Postmasters, Question, Mr. G. Browne; Answer, Mr. Monsell May 3, 193

Mails to the South of Ireland, Question, Mr. Delahunty; Answer, Mr. Monsell May 30, 831

Reformatories and Industrial Schools, Question, Mr. O'Reilly; Answer, The Marquess of Hartington June 10, 1512

Ireland—Borough Representation

Moved, "That, inasmuch as the manufacturing, commercial, and trading interests of Ireland are not sufficiently represented in Parliament, and it is not expedient that its borough representation should continue lessened by the disfranchisement of Cashel and Sligo, it is the opinion of this House that Her Majesty's Government should forthwith introduce and promote a Bill to authorize and empower the several towns of the county of Tipperary to elect and return one Member, and the several towns of the county of Sligo, in conjunction with the seaport towns of Ballina and Westport, to elect and return one other Member to the Imperial Parliament." (*Mr. Delahunty*) May 10, 631 [House counted out]

[cont.]

Ireland—Galway Election Inquiry—Judgment of Mr. Justice Keogh

Question, Colonel Stuart Knox; Answer, Mr. Gladstone *May* 30, 841; Question, Mr. Mitchell Henry; Answer, Mr. Gladstone *June* 3, 1025

Certificate and Report from Mr. Justice Keogh, and Special Case—together with Minutes of Evidence, and Shorthand Writer's Notes of Mr. Justice Keogh's Judgment *June* 13, 1669

Moved, "That the said Certificate and Report from Mr. Justice Keogh, together with the Special Case and Order of the Court of Common Pleas in Ireland, be entered in the Journals of this House," 1677; Motion agreed to

Moved, That the Clerk of the Crown do attend this House To-morrow, at Two of the clock, with the last Return for the County of Galway, and amend the same, by rasing out the name of John Philip Nolan, esquire, and inserting the name of Captain the Honourable William le Poer Trench, instead thereof (*Mr. Gladstone*); after short debate, Motion agreed to

After further debate, Ordered, That the Copy of the Shorthand Writer's Notes of the Judgment of Mr. Justice Keogh on the Trial of the Galway County Election Petition [No. 241]: Also the Minutes of the Evidence taken at the Trial of the said Election Petition, and the Appendix thereto [No. 241], be printed (*Mr. Attorney General for Ireland*)

The Clerk of the Crown attending according to order, amended the Return for the County of Galway *June* 14

Notice of Motion, The O'Donoghue *June* 14, 1735; Questions, Mr. P. Smyth, Mr. O'Connor; Answers, The Marquess of Hartington, Mr. Gladstone, The Attorney General *June* 17, 1860; Question, The O'Donoghue; Answer, Mr. Gladstone *June* 20, 1987; Question, The O'Donoghue; Answer, The Attorney General for Ireland, 1995

Outrages on Mr. Justice Keogh, Questions, Sir Robert Peel, Colonel Stuart Knox; Answers, Mr. Gladstone *June* 17, 1861

Ireland—Lord Lieutenant of the County of Clare

Question, Mr. Collins; Answer, Sir Colman O'Loughlen *May* 6, 287

Moved, "That this House has heard with great regret that a gentleman has been appointed Lord Lieutenant of Clare who has never resided in that county, who is a stranger to its Magistrates, and who does not possess that local knowledge of the county and its residents essential to the proper discharge of the important duties of a Lieutenant of a County, and that this House is of opinion that such an appointment is of evil example, and ought not to have been made" (*Sir Colman O'Loughlen*) *May* 7, 406; after long debate, Question put; A. 41, N. 257; M. 216

Irish Church Act Amendment Bill [H.L.] (*Mr. Attorney General for Ireland*)

c. Question, Colonel Taylor; Answer, The Marquess of Hartington *May* 6, 287

[cont.]

Irish Church Act Amendment Bill—cont.

Committee; Report *May* 6, 355

Moved, "That the Bill be now read 3^o" *May* 7, 446 [House counted out]

Moved, "That the Bill be now read 3^o" *May* 13, 627

Amendt. to leave out from "Bill be," and add "re-committed" (*Mr. Newdegate*) v.; Question proposed, "That the words, &c.;" after short debate, Question put; A. 86, N. 35; M. 51; main Question put, and agreed to; Bill read 3^o

l. Royal Assent *June* 27 [35 & 36 Vict. c. 13]

Isle of Man Harbours Bill

(*Earl Cowper*)

l. Read 2^o * *June* 3 (No. 83)

Committee *; Report *June* 4

Read 3^o * *June* 6

Royal Assent *June* 27 [35 & 36 Vict. c. 23]

JAMES, Mr. H., Taunton

European Assurance Society, 3R. 1586

Parliamentary and Municipal Elections, Comm.

Schedule 1, 120, 128; Schedule 2, 139;

Consid. Schedule 1, 554, 673

Supply—County Courts, 1877

Women's Disabilities Removal, 2R. 43

Japan—The Japanese Embassy

Question, Mr. Kinnaird; Answer, Viscount Enfield *June* 3, 1030

JENKINSON, Sir G. S., Wiltshire, N.

Canada, Dominion of—Guaranteed Loan, 284

Fenian Convicts—Reported Amnesty, 708

Parliamentary and Municipal Elections, Comm.

Schedule 1, 118

Treaty of Washington, Statement, 1607, 1609

*JESSEL, Sir G., see SOLICITOR GENERAL, The**JOHNSTON, Mr. A., Essex, S.*

Parliament—Charity Commission, 1529, 1533

Parliament—Business of the House, Res. 1225

Supply—Office of Lord Privy Seal, 1528

Queen's and Lord Treasurer's Office, Scotland, 1549; Amendt. 1551

Wild Fowl Protection, 2R. 1646

JOHNSTONE, Sir H., Scarborough

Working Men's Clubs—The Excise, 1513

Juries Act Amendment (Ireland) Bill

[H.L.] (*Lord O'Hagan*)

l. Presented; read 1^o * *May* 13 (No. 109)

Read 2^o * *May* 31

Committee *; Report *June* 4

Read 3^o * *June* 10

c. Read 1^o * (*Mr. Attorney General for Ireland*) *June* 12 [Bill 195]

Read 2^o * *June* 14

Juries Bill

(*Mr. Attorney General, Mr. Solicitor General*)

c. Moved, "That the Bill be now read 2^d"
May 13, 701

After short debate, Moved, "That the Debate
be now adjourned" (*Mr. Holt*), put, and
negatived; main Question put, and agreed
to; Bill read 2^d, and committed to a Select
Committee

Select Committee nominated; List of the
Committee June 4, 1241

KAVANAGH, Mr. A. M., *Carlow Co.*

Irish Church Act Amendment, Comm. 359

Navy—"Megara" Commission, Report of,
1514

KAY-SHUTTLEWORTH, Mr. U. J., *Hastings*

Criminal Law—Collumpton Magistrates—
Webber, John, Case of, 1507, 1686

Education (Scotland), Comm. cl. 19, 1315,
1320; cl. 70, Amendt. 2011; cl. 71, 2015,
2019

Parliamentary and Municipal Elections, Consid.
Schedule 1, 554

Water Supply (Metropolis), 278, 279

KESTEVEN, Lord

Intoxicating Liquor (Licensing), 2R. 97; Comm.
cl. 6, 573; cl. 31, 594

**KIMBERLEY, Earl of (Secretary of State
for the Colonies)**

Epping Forest, 2R. 191

Intoxicating Liquor (Licensing), 2R. 74, 90, 95;
Comm. cl. 4, 566, 570, 571, 572; cl. 6, 573,
574; cl. 8, 575; cl. 9, 576; cl. 10, *ib.*, 577;
cl. 11, *ib.*; cl. 14, 578; cl. 15, *ib.*, 579; cl. 16,
580, 582; cl. 19, *ib.*; cl. 20, 583, 584, 585;
cl. 23, 586; cl. 25, 587; Amendt. 589, 590,
591; cl. 29, Amendt. 591, 592; cl. 31, 592,
594; cl. 39, 596, 598; cl. 66, 599; cl. 68,
Amendt. *ib.*; Report, 1332; cl. 4, Amendt.
ib., 1334, 1337, 1338; cl. 5, *ib.*; cl. 25,
Amendt. *ib.*, 1339; cl. 25, *ib.*; cl. 29,
1341, 1345; *add. cl.* 1346, 1347; *add. cl.*
1348, 1665

Landlord and Tenant (Ireland) Act, 1870, Motion
for a Committee, 1005, 1008

Pacific Islanders Protection, 2R. 184, 267;
Comm. 369

Parliamentary and Municipal Elections, 2R.
1486; Comm. cl. 2, 1820, 1821; cl. 6, 1830;
add. cl. 1838, 1842; Schedule 1, 1847

Party Processions (Ireland) Act Repeal, 2R.
367

Treaty of Washington, Motion for an Address,
1137, 1188;—Statement, 1575

KING, Hon. P. J. Locke, *Surrey, E.*

Act of Uniformity Amendment, 3R. 1091

KINNAIRD, Hon. A. F., *Perth*

Act of Uniformity Amendment, Preamble, 896
Bishops Resignation Act (1869) Perpetuation,
2R. 1222

Colonies, The, Res. 938

Criminal Law—Reformatory and Industrial
Schools, Res. 621

KINNAIRD, Hon. A. F.—*cont.*

Customs and Inland Revenue, Comm. cl. 12,
1559

Education (Scotland), Comm. cl. 48, 1363;
cl. 68, 2008

India—Kooka Insurrection, 372

Japan—Japanese Embassy, 1030

Navy—Navigation, System of, 1415

Parliamentary and Municipal Elections, Comm.
Schedule 2, 1847

Supply—Court of Chancery, 1873

Treaty of Washington, Motion for an Address,
Motion for Adjournment, 1191

**KNATCHBULL-HUGESSEN, Mr. E. H. (Under
Secretary of State for the Colo-
nies), *Sandwich***

Africa, South, Res. 811, 812

Africa, Western—Bank of West Africa, 500

Dutch Guinea, Acquisition of, 287

Lagos Traders, The, 501

British Guiana—Emigration, 1990

Canada, Dominion of—Treaty of Washington,
603, 653

Colonies—Crown Lands, 1683

Colonies, The, Res. 926, 929

Liquor Laws in the Colonies, 1690

Mauritius—Indian Labourers in the, 1684

Polynesian Islanders, 788

Spain—"Lark," Seizure and Detention of the,
606

Supply—Salaries and Allowances of Governors,
&c. 1899, 1902

Treaty of Washington, 1858

Women's Disabilities Removal, 2R. 46

KNIGHTLEY, Sir R., *Northamptonshire, S.*

Parliamentary and Municipal Elections, Consid.
Schedule 1, Amendt. 557

**KNOX, Hon. Colonel W. Stuart, *Dun-
gannon***

Army—Grenadier Guards, Band of, 1510

Ireland—Intoxication by Ether, 1024

Galway Election Petition, 1861, 1862

Parliament—Galway Election—Mr. Justice
Keogh, Judgment of, 841

LAIRD, Mr. J., *Birkenhead*

Africa, Western—Bank of West Africa, 500

Lagos Traders, The, 501

Navy Estimates—Dockyards at Home and
Abroad, 763

Landlord and Tenant (Ireland) Act, 1870

Moved, "That a Select Committee be appointed
to inquire into the working of the Landlord
and Tenant (Ireland) Act, 1870" (*Viscount
Lifford*) June 3, 1000; after debate, on
Question? Cont. 53, Not-Cont. 29; M. 24

Division List, Cont. and Not-Cont., 1021

Committee nominated; List of the Committee
June 6, 1268

**Landlord and Tenant (Ireland) Act, 1870,
Amendment (No. 2) Bill**

(*The Marquess of Hartington, Mr. Attorney
General for Ireland*)

c. Committee?; Report May 2 (*Res.*)

[*cont.*]

- Land Returns — The "New Domesday Book"*
Question, Mr. Wren-Hoskyns; Answer, Mr. Stansfeld June 13, 1884
- LANSDOWNE, Marquess of (Lord of the Treasury)
Army—Grenadier Guards, Band of, 986, 988
Army—Purchase and Scientific Corps, 1327;
Address for a Commission, 1909, 1933
- LAUDERDALE, Earl of
Naval College, Portsmouth, Removal of, 173, 174, 180
Navy—Steam and Coal, Motion for a Paper, 997, 999
- Law Officers of the Crown*
Observations, Mr. Fawcett; Reply, The Attorney General; debate thereon May 3, 247
- Law Reform—The Judicature Commission*
Question, Mr. Watkin Williams; Answer, The Attorney General May 30, 835
- LAWRENCE, Alderman Sir J. C., *Lambeth*
Customs and Inland Revenue, Comm. cl. 13, 1560; Consid. add. cl. 1904
Supply—Works and Public Buildings, 1543
- LAWRENCE, Mr. Alderman W., *London*
Customs and Inland Revenue, Comm. cl. 12, Amendt. 1556, 1559; cl. 13, 1560; Consid. add. cl. 1903
Supply—Woods, Forests, &c. 1539, 1541
- LAWSON, Sir W., *Carlisle*
Criminal Law — Release of the Whitehaven Rioters, Res. 959
Defamation of Private Character, 2R. 1256
Liquor Laws in the Colonies, 1690
Parliament—Business of the House, Res. 1225
Parliamentary and Municipal Elections, 3R. 871
Permissive Prohibitory Liquor, 2R. 448, 463, 495
- LEATHAM, Mr. E. A., *Huddersfield*
Parliamentary and Municipal Elections, Comm. Schedule 2, 138; Consid. Schedule 1, 561, 673, 678; 3R. 852
- LEEMAN, Mr. G., *York*
Middlesex Registration of Deeds, 2R. 1260
Municipal Corporations (Wards), Consid. 777
Public Prosecutors, Comm. 1902
Supply—Copyhold, Inclosure, and Tithe Commissions, 1534, 1535
- LEFEVRE, Mr. J. G. Shaw (Secretary to the Board of Admiralty), *Reading*
Navy Estimates—Dockyards at Home and Abroad, 758, 767
Medical Establishments, 772
Military Pensions and Allowances, 773, 775
- LENNOX, Lord H. G. O. G., *Chichester*
Navy—"Megara" Commission, Report of, 1514
Navy Estimates — Dockyards at Home and Abroad, 751
Half Pay—Navy and Marines, 773
Victualling Yards, 770
- LEWIS, Mr. Harvey, *Marylebone*
Metropolitan Police—Southampton, Strike of Seamen at, 653
- LEWIS, Mr. J. D., *Devonport*
Titchborne v. Lushington—Prosecution, &c. 1271
- LICHFIELD, Bishop of
Pacific Islanders Protection, 2R. 188
- LIDDELL, Hon. H. G., *Northumberland, S.*
Army—India—Horse Artillery, 1419
Bastardy Laws Amendment, 2R. 1975
France—Treaty of Commerce, Denunciation of the, Res. 1771
Mines Regulation, 911
Navy—Channel Squadron, 1990
Navy Estimates — Dockyards at Home and Abroad, 766
Military Pensions and Allowances, 774
Parliament—Business of the House, Res. 1233
Parliamentary and Municipal Elections, Comm. Schedule 1, 113
Supply—Privy Council, 977, 982
- LIFFORD, Viscount
Landlord and Tenant (Ireland) Act, 1870, Motion for a Committee, 1000, 1008
- Limited Owners Improvements Bill [H.L.]
(*Marquess of Salisbury*)
l. Presented; read 1st June 14 (No. 154)
- Limited Owners Residence Law Amendment Bill
(*Sir Hervey Bruce, Sir Colman O'Loughlen, Sir Frederick Heygate, Mr. MacEvoy*)
c. Ordered; read 1st May 13 [Bill 165]
Read 2nd June 3
- LINDSAY, Hon. Colonel C. H., *Abingdon*
Army—Volunteers—Capitation Grant, 829
- LINDSAY, Colonel R. J. Loyd, *Berkshire*
Army—Fermoy Barracks, 503
- Liquor Laws in the Colonies*
Question, Sir Wilfrid Lawson; Answer, Mr. Knatchbull-Hugessen June 13, 1690
- Local Government—Digest of Sanitary Laws*
Question, Sir Massey Lopes; Answer, Mr. Stansfeld June 13, 1888

Local Government Supplemental Bill

(*Mr. Hibbert, Mr. Stansfeld*)

- c. Read 2^o * May 2 [Bill 133]
Committee * ; Report May 6
Read 3^o * May 9
l. Read 1^o * (*Earl of Morley*) May 10 (No. 103)
Read 2^o * June 7
Committee * ; Report June 10
Read 3^o * June 11
Royal Assent June 27 [35 & 36 Vict. c. xlv.]

Local Government Supplemental (No. 2) and Act (No. 2, 1864) Amendment Bill

(*Mr. Hibbert, Mr. Stansfeld*)

- c. Ordered ; read 1^o * May 13 [Bill 163]
Read 2^o * May 27
Committee * ; Report June 3
Read 3^o * June 6
l. Read 1^o * (*Earl of Morley*) June 7 (No. 130)
Read 2^o * June 18
Referred to Select Comm. * June 20

Local Legislation (Ireland) (No. 2) Bill

(*Mr. Heron, Mr. Pim, Mr. Bagwell*)

- c. 2R. adjourned June 4 [Bill 27]

Local Taxation

Question, Colonel Barttelot ; Answer, Mr. Gladstone June 6, 1279
The Resolution, Question, Sir Massey Lopes ; Answer, Mr. Gladstone June 6, 1273

LOCKE, Mr. J., *Southwark*

Law Officers of the Crown, 265
Oxfordshire Magistrates—Norris, Mr., Case of, 1349
Parliament—Derby Day, 792

Locomotives on Roads Bill

(*Mr. Cawley, Mr. Hick, Mr. Pender*)

- c. Ordered ; read 1^o * May 31 [Bill 180]

LONDON, Bishop of

Baptismal Fees, 2R. 1664

LOPES, Mr. H. C., *Launceston*

Bastardy Laws Amendment, 2R. 1974
Customs and Inland Revenue, Comm. add. cl. 1660
Imprisonment for Debt Abolition, 2R. Amendt. 1980
Juries, 2R. 703
Local Government—Digest of Sanitary Laws, 1688, 1689
Local Taxation, 1273
Mine Dues, 2R. 1661

LOWE, Right Hon. R., *see* CHANCELLOR of the EXCHEQUER

LOWTHER, Mr. J., *York City*

Army—Militia Camp, Appleby, 1849
Defamation of Private Character, 2R. 1256
Education (Scotland), Comm. cl. 68, 2004, 2007
Municipal Corporations (Wards), Consid. Amendt. 775

LOWTHER, Mr. J.—*cont.*

Parliament—Business of the House, Res. 1282
Parliamentary and Municipal Elections, Consid. Schedule 1, 667 ; Amendt. 671
Treaty of Washington, 1739

LUBBOCK, Sir J., *Maidstone*

Court of Chancery (Funds), Consid. 1723
Education (Scotland), Comm. cl. 71, Amendt. 2013, 2016

LURGAN, Lord

Landlord and Tenant (Ireland) Act, 1870, Motion for a Committee, 1011

LUSH, Dr. J. A., *Salisbury*

Parliamentary and Municipal Elections, Comm. Schedule 1, 134
Supply—Broadmoor Criminal Lunatic Asylum, 1889

LUSK, Mr. Alderman A., *Finsbury Bo.*

Navy Estimates—Coastguard, &c. 719, 720
Supply—Charity Commission, 1531
Civil Service Commission, 1533
Comptroller and Auditor General of the Exchequer, 1535
Copyhold, Inclosure, and Tithe Commissions, 1535
County Courts, 1880
Court of Chancery, 1872
Criminal Proceedings (Scotland), 1896
Metropolitan Police, 1881
Patent Law Amendment Act, 1536
Privy Council, 978, 982, 1621
Queen's and Lord Treasurer's Office (Scotland), Amendt. 1548

LYTTELTON, Lord

Intoxicating Liquor (Licensing), Comm. cl. 20, 583
Parliamentary and Municipal Elections, Comm. cl. 2, 1817 ; cl. 6, 1820

LYVEDEN, Lord

Parliamentary and Municipal Elections, 2R. 1474

MCARTHUR, Mr. W., *Lambeth*

Council of India—Indian Presidencies, Drafts on, 505
Pensions Commutation Act—March, Lieutenant, Case of, 283
South Africa, Res. 815

MC COMBIE, Mr. W., *Aberdeenshire, W.*

Education (Scotland), Comm. cl. 8, 1290, 1292

MACFIE, Mr. R. A., *Leith, &c.*

Colonies—Crown Lands, 1682
Colonies, The, Res. 912
Customs and Inland Revenue, Comm. cl. 6, 1556 ; Consid. cl. 4, Amendt. 1904
Education (Scotland), Comm. cl. 1, 1071 ; cl. 5, 1287 ; cl. 8, 1292 ; cl. 51, 1621 ; cl. 52, 1711 ; cl. 65, 1947
France—Treaty of Commerce, Denunciation of the, Res. 1798

[*cont.*]

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MACFIE, Mr. R. A.—cont.

Supply—Emigration Board, 1902
 Patent Law Amendment Act, 1836
 Privy Council, 1517
 Queen's and Lord Treasurer's Office (Scotland), 1550
 Stationery, &c. 1539

McLAGAN, Mr. P., Linlithgowshire

Customs and Inland Revenue, Comm. *add. cl.* 1560
 Education (Scotland), Comm. *cl.* 1, 1068; *cl.* 2, 1196; *cl.* 5, 1287; *cl.* 40, 1360; *cl.* 50, 1375; *cl.* 52, 1710; Amendt. 1711; *cl.* 57, Amendt. 1713; *cl.* 58, Amendt. 1714
 France—Treaty of Commerce, Denunciation of the, Res. 1792

McLAREN, Mr. D., Edinburgh

Customs and Inland Revenue, Comm. *cl.* 6, 1556
 Education (Scotland), Comm. 308; *cl.* 1, 1058, 1064, 1065; *cl.* 2, 1196; *cl.* 4, 1202; *cl.* 5, 1288; *cl.* 8, 1291, 1296; Amendt. 1298, 1299, 1301; *cl.* 20, Amendt. 1352, 1353; *cl.* 41, 1360; *cl.* 43, 1363, 1364, 1365; *cl.* 50, 1375; *cl.* 51, 1617; *cl.* 52, 1628, 1701; Amendt. 1709, 1710, 1711; *cl.* 59, Amendt. 1717, 1721; *cl.* 64, 1744, 1748, 1754; *cl.* 65, 1759; Amendt. 1941; *cl.* 66, 2000; *cl.* 67, Amendt. 2001; Amendt. 2003; *cl.* 68, 2009, 2011; *cl.* 71, 2014, 2019; *cl.* 77, Amendt. 2023; *add. cl.* 2028
 Parliamentary and Municipal Elections, Comm. Schedule 1, Amendt. 135; Consid. Schedule 1, 678
 Polling Places (Scotland), Motion for Returns, 972
 Poor Law (Scotland) Inspectors, 649, 1028
 Supply—Privy Council, 979
 Queen's and Lord Treasurer's Office (Scotland), 1549

McMAHON, Mr. P., New Ross

Criminal Trials (Ireland), 2R. 1644
 Middlesex Registration of Deeds, 2R. 1259
 Municipal Corporations (Ireland) Law Amendment, 2R. 1656
 Parliamentary and Municipal Elections, Comm. Schedule 1, 124; Consid. Schedule 1, 679
 Poor Law (Ireland)—Union Rating, 837
 Public Prosecutors, Comm. 1968
 Supply—Criminal Proceedings, Scotland, 1895

MAGNIAC, Mr. C., St. Ives

Court of Chancery (Funds), Comm. *cl.* 21, 696
 Mine Dues, 2R. 1798
 Public Prosecutors, Comm. 1959, 1960

MAGUIRE, Mr. J. F., Cork City

Criminal Trials (Ireland), 2R. 1645
 Education—Certificated Teachers Pensions, Notice, 944
 Parliamentary and Municipal Elections, Consid. Schedule 1, 679; 3R. Amendt. 843, 846, 856, 857, 870
 Public Prosecutors, Comm. 1969
 Unlawful Assemblies (Ireland) Act Repeal, 2R. 168

*Women's Disabilities Removal, 2R. 38

MAHON, Viscount, Suffolk, E.

Treaty of Washington—Statement, 1605

MALMESBURY, Earl of

Christchurch Annual Fairs Abolition; 1730
 Parliamentary and Municipal Elections, Comm. *add. cl.* 1837
 Treaty of Washington, Motion for an Address, 1109, 1155, 1156, 1189, 1725

MANNERS, Right Hon. Lord J. J. R., Leicestershire, N.

Education (Scotland), Comm. 351; *cl.* 1, 1083; *cl.* 2, 1197; *cl.* 24, 1354, 1355
 Irish Church Act Amendment, Comm. 358
 Municipal Corporations (Wards), Consid. 779
 Parliament—Sittings of the House, 1048
 Parliament—Business of the House, Res. 1224, 1228
 Parliamentary and Municipal Elections, Comm. Schedule 1, 115; Consid. *cl.* 16, 536; *cl.* 17, 539; Schedule 1, 668
 Supply—Civil Services, 1052
 Treaty of Washington—Statement, 1608
 Wellington Monument, Motion for Papers, 203

MARLBOROUGH, Duke of

Church Seats, Comm. *cl.* 2, Amendt. 170
 Parliamentary and Municipal Elections, Comm. *cl.* 6, 1829, 1830; *add. cl.* 1839
 Treaty of Washington—Statement, 1581

MARTIN, Mr. P. Wykeham, Rochester

Navy Estimates—Dockyards at Home and Abroad, 731
 Parliamentary and Municipal Elections, Consid. 516; Schedule 1, 674

Master and Servant (Wages) Bill

(*Mr. Winterbotham, Mr. Secretary Bruce*)

c. Report * May 6 [Bills 65-149]
 Question, Mr. Pell; Answer, Mr. Bruce
 June 11, 1588

Masters and Workmen (Arbitration) Bill

(*Mr. Mundella, Mr. William Henry Smith, Mr. Morley, Mr. Thomas Brassey, Mr. Thomas Hughes*)

c. Read 2^o * June 12 [Bill 123]

MATTHEWS, Mr. H., Dungarvan

Registration of Borough Voters, Comm. Amendt. 1241, 1253

MAXWELL, Mr. W. H., Kirkcudbrightshire

Education (Scotland), Comm. *cl.* 8, 1290

MELLOR, Mr. T. W., Ashton-under-Lyne

Parliamentary and Municipal Elections, Comm. Schedule 1, 134
 Tiebborne v. Lushington—Prosecution, &c. 102

MELLY, Mr. G., Stoke-upon-Trent

Criminal Law — Reformatory and Industrial Schools, Res. 616
Education — Certificated Teachers Pensions, Notice, 941
Education (Scotland), Comm. cl. 66, 1998
Permissive Prohibitory Liquor, 2R. 466

Metalliferous Mines Regulation Bill

(Mr. Secretary Bruce, Mr. Winterbotham)

c. Committee*; Report May 6 [Bills 30-151]

METROPOLIS

Chelsea Toll Bridge, Question, Mr. Peek; Answer, Mr. Ayrton June 13, 1886
Royal Mint—Silver Coinage, Question, Mr. Barnett; Answer, The Chancellor of the Exchequer May 10, 604
South Kensington Museum—Natural History Collections, Question, Mr. Spencer Walpole; Answer, Mr. Ayrton June 13, 1890
Storage of Petroleum, Question, Colonel Beresford; Answer, Dr. Brewer June 20, 1991
Sunday Observance—The Sheepshanks Gallery, Question, Sir Charles W. Dilke; Answer, Mr. W. E. Forster May 2, 99
Water Supply, Question, Mr. Kay-Shuttleworth; Answer, Mr. Chichester Fortescue May 6, 278—*Victoria Park*, Question, Mr. Holmes; Answer, Mr. Ayrton June 17, 1852

Metropolis—Queen Square, Westminster, and Birdcage Walk

Moved, "That, in the opinion of this House, it would conduce to the convenience of the public if a carriage communication were opened between Queen Square, Westminster, and the Birdcage Walk" (Mr. Cavendish Bentinck) June 4, 1238; after short debate, Question put; A. 43, N. 55; M. 12
Questions, Mr. Cavendish Bentinck, Mr. Neville-Grenville; Answers, Mr. Ayrton June 6, 1277

Metropolis—Queen Square, Westminster, and St. James's Street

Moved, "That, in the opinion of this House, it would conduce to the convenience of the public if a carriage communication were opened between Queen Square, Westminster, Birdcage Walk, and St. James's Street" (Mr. Cavendish Bentinck) May 28, 815; [House counted out]

Metropolis (Kilburn and Harrow) Roads Bill
(Lord Hylton)

l. Read 2^a May 10 (No. 94)
Report May 13
Committee*; Report May 31
Read 3^a June 3
Royal Assent June 27 [35 & 36 Vict. c. xlix.]

Metropolitan Commons Supplemental Bill

(Mr. Winterbotham, Mr. Secretary Bruce)

c. Ordered; read 1^a May 2 [Bill 143]
Read 2^a May 6
Committee*; Report May 9
Considered*; read 3^a May 13

Metropolitan Commons Supplemental Bill—cont.

l. Read 1^a (Earl of Morley) May 31 (No. 115)
Read 2^a June 10
Committee*; Report June 11
Read 3^a June 13
Royal Assent June 27 [35 & 36 Vict. c. xliii.]

MIALL, Mr. E., Bradford

Act of Uniformity Amendment, Preamble, 897

Middlesex Registration Amendment Bill

[H.L.] (Lord Truro)

l. Bill withdrawn* June 10 (No. 86)

Middlesex Registration of Deeds Bill

(Mr. Gregory, Mr. Cubitt, Mr. Goldney)

c. Moved, "That the Bill be now read 2^a" June 5, 1259
After short debate, Amendt. to leave out "now," and add "upon this day six months" (Mr. Denman); Question proposed, "That 'now,' &c.;" after further short debate, Amendt. and Motion withdrawn; Bill withdrawn [Bill 52]

MILLER, Mr. J., Edinburgh City

Education (Scotland), Comm. cl. 8, 1290; Amendt. 1297; cl. 20, 1353; cl. 39, 1359; cl. 43, 1365; cl. 66, 1997
Parliamentary and Municipal Elections, Consid. cl. 16, 535

Mine Dues Bill (Mr. Lopes, Mr. Gregory)

c. Ordered; read 1^a May 30 [Bill 177]
Moved, "That the Bill be now read 2^a" June 12, 1661; debate adjourned
Debate resumed June 14, 1798; after short debate, Question put, and agreed to; Bill read 2^a

Mines Regulation Bill

(Mr. Secretary Bruce, Mr. Winterbotham)

c. Committee*; Report May 6 [Bills 29-150]
Questions, Mr. Liddell, Mr. Assheton Cross; Answers, Mr. Gladstone May 31, 911

Monastic and Conventual Institutions Commission Bill

(Mr. Newdegate, Mr. Holt, Sir Thomas Chambers)

c. *Rights of Private Members*—Moved, "That the Order for reading the Bill a second time To-morrow be postponed till Tuesday next, at Two of the clock" (Mr. Newdegate) June 20, 2030; Question put; A. 3, N. 13; M. 10 [Bill 129]

MONK, Mr. C. J., Gloucester City

Act of Uniformity Amendment, Comm. cl. 5, Amendt. 888; cl. 6, Amendt. 889, 896
Bishops Resignation Act (1869) Perpetuation, 2R. 1554
Court of Chancery (Funds), Comm. cl. 21, 696
Education (Scotland), Comm. cl. 8, 1298
Parliament—Business of the House, Res. 1231, 1948

[cont.]

[cont.]

MOWK, Mr. C. J.—cont.

Parliamentary and Municipal Elections, *Consid.* cl. 16, 534; *Consid. Schedule*, 1, 676; 3R. 849

Rome—Papal Court, Diplomatic Representation at the, 1028

Supply—Privy Council, 982, 1522

MONSELL, Right Hon. W. (Postmaster General), Limerick Co.

Bank Holidays Act—Savings' Banks Clerks, 601

Post Office—Questions, &c.

Irish Mails—Milford, 1685

Irish Postmasters, 193

Mails to South of Ireland, 832

Postmaster at this House, 708

Telegraphs—Sunday Labour, 707

MONTAGU, Right Hon. Lord R., Huntingdonshire

Ireland—Galway Election Petition, 1681

Parliament—Business of the House, *Res.* 1224, 1225, 1236, 1237

MONTGOMERY, Sir G. G., Peeblesshire

Education (Scotland), *Comm.* 316; cl. 1, 1066; cl. 5, 1287; cl. 8, 1291; cl. 50, 1375; cl. 51, 1619; cl. 65, 1759; cl. 68, 2007

MORGAN, Mr. C. O. S., Monmouthshire

All Saints Church, Cardiff, 2R. 827

MORGAN, Mr. G. Osborne, Denbighshire

All Saints Church, Cardiff, 2R. 819, 823

Burial Grounds, 2R. 1420

Court of Chancery (Funds), *Comm.* 691; cl. 18, 692; cl. 21, 696

Parliament—Business of the House, *Res.* 1223
Parliamentary and Municipal Elections, *Consid.* Schedule 1, 556, 561

Sites for Places of Worship and Schools, *Consid.* Amendt. 1420

Women's Disabilities Removal, 2R. 55

MORLEY, Earl of

Christ Church Annual Fairs Abolition, 1730

Criminal Law—Release of the Whitehaven Rioters, Motion for Papers, 1727

Dangerous Exhibitions—Women and Children, 1734

MORRISON, Mr. W., Plymouth

Wellington Monument, Motion for Papers, 198

MUNDELLA, Mr. A. J., Sheffield

Customs and Inland Revenue, *Consid.* cl. 4, 1904

France—Political Prisoners, Deportation of, 783

Wild Fowl Protection, 2R. 1652

Municipal Corporation Acts Amendment Bill (*Mr. Dixon, Mr. Alderman Carter, Mr. Mundella, Mr. Stevenson*)

c. Bill withdrawn * June 17 [Bill 24]

Municipal Corporations (Borough Funds) Bill (*Mr. Leeman, Mr. Mundella, Mr. Goldney, Mr. Candlish, Mr. Dodds*)

c. Report of Select Comm. * May 1 (No. 177)
Report * May 1 [Bills 55-138]

Municipal Corporations (Election of Aldermen)

Moved, "That, in the opinion of this House, the present mode of electing Aldermen in Municipal Boroughs by the vote of the Town Council is unsatisfactory, and fails to secure a fair representation in each Borough on the Aldermanic Bench" (*Mr. Heygate*) May 7, 400; after short debate, Motion withdrawn

Municipal Corporations (Ireland) Law Amendment Bill (*Mr. Sherlock, Mr. William Johnston, Mr. McClure*)

c. Bill withdrawn, after short debate June 12, 1655 [Bill 79]

Municipal Corporations (Wards) Bill

(*Mr. Winterbotham, Mr. Secretary Bruce*)

c. Adjourned Debate [22nd April] resumed May 27, 775

Amendt. to leave out "now" and add "upon 'this day six months'" (*Mr. James Lowther*) v.; after short debate; Question put, "That 'now,' &c.;" A. 78, N. 38; M. 40; main Question put, and agreed to; Bill considered [Bill 102]

Municipal Officers Superannuation Bill

(*Mr. Rathbone, Mr. Birley, Mr. Dixon, Mr. Morley, Mr. Graves*)

c. Committee *; Report May 8 [Bills 64-154]

MUNTZ, Mr. P. H., Birmingham

Criminal Law—Release of the Whitehaven Rioters, *Res.* 970, 971

Inland Revenue—Shootings, Income Tax on, 652

Parliamentary and Municipal Elections, *Comm.* Schedule 1, Amendt. 132, 134; *Consid.* 513; Schedule 1, 551

Supply—Court of Chancery, 1876

Criminal Proceedings (Scotland), Amendt. 1896

Privy Council, 978

Naturalization Bill [H.L.]

(*Mr. Winterbotham*)

c. Read 1^o * May 2 [Bill 145]
Read 2^o * May 6

NAVY

Captains of Marines, Question, Sir John Hay; Answer, Mr. Goschen June 13, 1691

Channel Squadron, Question, Sir Hervey Bruce; Answer, Mr. Goschen May 2, 102; Question, Mr. Liddell; Answer, Mr. Goschen June 20, 1900

[cont.]

NAVY—*cont.*

Chatham Dockyard—Railway Connection, Question, Mr. Holms; Answer, Mr. Goschen May 28, 781

Greenwich Pensions—Merchant Seamen, Question, Lord Claud John Hamilton; Answer, Mr. Goschen May 23, 707

Removal of Naval College, Portsmouth, Question, Observations, The Earl of Lauderdale; Reply, The Earl of Camperdown; debate thereon May 3, 173

The "Megara" Commissioners Report, Question, Mr. Kavanagh; Answer, Lord Henry Lennox June 10, 1514

The "Thalia" Storeship, Question, Mr. A. Guest; Answer, Mr. Goschen June 17, 1857

Navy—Rule of the Road at Sea—Steering and Sailing Rules

Moved, "That a Select Committee be appointed to inquire whether the present Steering and Sailing Rules cannot be modified so as to reduce the present risk to life and property at sea" (*Sir John Hay*) May 7, 377; after short debate, Question put, and negatived; Question, Sir John Hay; Answer, Mr. Chichester Fortescue May 30, 836

Navy—Steam and Coal—Admiralty Orders

Return respecting (laid before the House on the 7th of May last): To be printed (No. 120)

Moved, "That there be laid before this House, Copy of the revised Orders from the Admiralty to admirals and captains of Her Majesty's ships relative to the use of steam and the consumption of coal" (*The Earl of Lauderdale*) June 3, 997; after short debate, Motion withdrawn

Navy—System of Navigation

Amendt. on Committee of Supply June 7, To leave out from "That," and add "in the opinion of this House, the time has arrived when the maintenance of a separate and distinct branch of officers for navigating duties is no longer desirable in the interests of the Naval Service" (*Mr. Hanbury-Tracy*) v. 1375; Question proposed, "That the words, &c.;" after debate, Amendt. withdrawn

NELSON, Earl

Church Seats, Comm. cl. 2, 171, 172

NEVILLE-GRENVILLE, Mr. R., *Somersetshire, Mid.*

Customs and Inland Revenue, Comm. add. cl. 1560

Metropolis—Queen's Square, Westminster, and Birdcage Walk, 1278

Supply—County and Borough Police (Great Britain), 1883

County Courts, 1878

Miscellaneous Legal Charges, Amendt. 1894

NEWDEGATE, Mr. C. N., *Warwickshire, N.*

Act of Uniformity Amendment, 3R. 1091

All Saints Church, Cardiff, 2R. 820

Army—Autumn Manœuvres, Res. 803

Criminal Law—Murphy, Mr., Assault on the late, 285

Criminal Law—Release of the Whitehaven Rioters, Res. 962

NEWDEGATE, Mr. C. N.—*cont.*

Education—Ripon Grammar School, Motion for an Address, 445

Education (Scotland), Comm. 349; cl. 1, 1083; cl. 4, 1216; cl. 19, 1324; add. cl. 2027, 2028, 2029

Irish Church Act Amendment, 3R. Amendt. 608

Juries, 2R. 703

Law Officers of the Crown, 265

Monastic and Conventual Institutions Commission, 2050

Parliament—Counts out, 1949, 1950, 1992

Parliament—Business of the House, Res. 1237

Parliamentary and Municipal Elections, Comm. Schedule 1, 118; Consid. 526; * 3R. 849, 852

Religious Disabilities Abolition, 288

Sites for Places of Worship and Schools, Consid. Amendt. 1421

Treaty of Washington—Statement, Motion for Adjournment, 1596

New Peers—Sat First—See title Parliament

New Writs Issued—See title Parliament

New Members Sworn—See title Parliament

NORTH, Lieut-Colonel J. S., *Oxfordshire*

Army—India—Horse Artillery, 1416

Eyre, Mr.—Legal Expenses, Payment of, 707

NORTHCOTE, Right Hon. Sir S. H., *Devonshire, N.*

Criminal Law—Case of John Richard Dymond, 1855

Education (Scotland), Comm. cl. 65, 1939

India—Educational Services—Retiring Pensions, 602

Talifoo, Mission from, 1859

India—Bombay, Old Bank of, Res. 234

Parliamentary and Municipal Elections, 3R. 873

Treaty of Washington, 709, 710

NORWOOD, Mr. C. M., *Kingston-upon-Hull*

Army—Volunteers, 1994

France—Treaty of Commerce, Denunciation of the, Res. 1774

Imprisonment for Debt Abolition, 2R. 1982

Suez Canal—Dues, Increase of, 1687, 1688

O'BRIEN, Sir P., *King's Co.*

India—Staff Appointments, 1514

Parliament—Business of the House, Res. 1233

O'CONOR DON, The, *Roscommon Co.*

Parliamentary and Municipal Elections, Comm. Schedule 1, 125

O'CONOR, Mr. D. M., *Sligo Co.*

Ireland—Galway Election Petition, 1860, 1861

Parliamentary and Municipal Elections, Consid. cl. 17, Amendt. 537

[*cont.*]

O'DONOGHUE, The, *Trales*

Ireland—Galway Election Petition, 1987, 1995
Parliamentary and Municipal Elections, Comm.
Schedule 1, 128

O'GILVY, Sir J., *Dundee*

Education (Scotland), Comm. Schedule C,
Amendt. 2030

**O'LOGHLEN, Right Hon. Sir C. M.,
*Clare Co.***

Army—Scientific Corps, First Captains in, 1994
Criminal Law—Release of the Whitehaven
Rioters, Motion for Papers, 1725
Criminal Trials (Ireland), 2R. 1630, 1646
Ireland—Galway Election Petition, 1677, 1681
Ireland—Clare, Lord Lieutenant of the County
of, 287; Res. 406, 427, 442
Juries, 2R. 703
Parliament—Public Business, 1509
Parliamentary and Municipal Elections, Consid.
Amendt. 680
Religious Disabilities Abolition, 288
Religious Disqualification for Offices, 280
Supply—Works and Public Buildings, 1541,
1542

**ONSLow, Mr. Guildford, J. H. M. E.,
*Guildford***

Tieborne v. Lushington—Prosecution, &c. 372,
1272

ORANMORE AND BROWNE, Lord

Party Processions (Ireland) Act Repeal, 2R.
367, 368
Prison Ministers, Report, cl. 3, 361; cl. 4,
Amendt. 361, 362; Schedule, 363
Treaty of Washington, 1093;—Statement, 1582;
Motion for an Address, 1584

Ordnance Survey (*England*)

Moved, "That Her Majesty's Government be
urged, in view of the promised Bill for the
Transfer of Land, to give their earliest
attention to the completion of the Cadastral
Map of England" (*Mr. Wren-Hoskyns*)
May 7, 390; after short debate, Motion
withdrawn

Lincolnshire, Question, Mr. Welby; Answer,
Mr. Ayrton June 13, 1689
The 25-inch Scale, Question, Mr. Welby; An-
swer, Mr. Ayrton June 20, 1686

O'REILLY, Mr. M. W., *Longford Co.*

Army—Irish Militia, 505
Criminal Law—Case of David Farrell, 1854
Ireland—Reformatory and Industrial Schools,
1512
Parliamentary and Municipal Elections, Consid.
cl. 17, 538
Unlawful Assemblies (Ireland) Act Repeal, 2R.
165

O'REILLY-DEASE, Mr. M., *Louth*

Criminal Law, Release of the Whitehaven
Rioters, Res. 955
Education—Certificated Teachers Pensions,
Notice, 944

OSBORNE, Mr. R. B., *Waterford City*

Bishops Resignation Act (1869) Perpetuation,
2R. 1553, 1554
Customs and Inland Revenue, Comm. 1554,
1555
Ireland—Clare, Lord Lieutenant of, Res. 432
Parliamentary and Municipal Elections, Consid.
518
Treaty of Washington, 842, 843; Motion for
Adjournment, 1040;—Statement, 1590, 1592,
1699, 1695

OTWAY, Mr. A. J., *Chatham*

France—Political Prisoners, Deportation of,
829, 831, 1995
Navy Estimates—Dockyards at Home and
Abroad, 734
Supply—Office of Lord Privy Seal, 1526
Works and Public Buildings, 1542, 1543
Treaty of Washington, 607, 1044; Res. 1281,
1696, 1699

**Oyster and Mussel Fisheries Supple-
mental (No. 2) Bill (*Mr. Arthur Peel,*
Mr. Chichester Fortescue)**

a. Ordered; read 1^o * May 27 [Bill 172]
Read 2^o * May 30
Order for Committee discharged; Bill com-
mitted to a Select Committee June 4
Report *; Re-comm. June 13
Committee * (*on re-comm.*); Report; read 3^o
June 14
l. Read 1^o * (*Earl Couper*) June 17 (No. 156)

**Pacific Islanders Protection Bill
(*Earl of Kimberley*)**

l. Bill read 2^a, after short debate May 3, 184
Murder of *Bishop Patteson*, Explanation, The
Earl of Kimberley May 6, 267
Committee, after short debate May 7, 368
Report * May 10 (No. 100)
Read 3^a * May 13
Royal Assent June 27 [35 & 36 Vict. c. 19]

PAGET, Major R. H., *Somersetshire, Mid.*

Public Prosecutors, Comm. 1968

**PAKINGTON, Right Hon. Sir J. S.,
*Droitwich***

Army—Autumn Manœuvres, Res. 801
Criminal Law—Reformatory and Industrial
Schools, Res. 621
Education (Scotland), Comm. 311
Navy Estimates—Dockyards at Home and
Abroad, 761, 765
Spain—"Lark," Seizure and Detention of the,
606

PALK, Sir L., *Devonshire, E.*

Education—Endowed Schools Commission,
193
Supply—Civil Services, 1052

PALMER, Mr. J. Hinde, *Lincoln City*

Court of Chancery (Funds), Comm. 688; cl. 18,
692
Railways—Communication with Guards, 1687
Registration of Borough Voters, Comm. 1251
Supply—Court of Chancery, 1872
Miscellaneous Legal Charges, 1895
Patent Law Amendment Act, 1535

Parish Constables Abolition Bill

(*Mr. Hibbert, Mr. Stansfeld*)

c. Read 2^o May 13

[Bill 97]

PARKER, Lieut. Colonel W., Suffolk, W.

Army—Autumn Manœuvres, Res. 801

Education—Ripon Grammar School, Motion for an Address, 445

PARKER, Mr. C. S., Perthshire

Education (Scotland), Comm. cl. 4, 1215; cl. 59, 1716; cl. 65, 1940; cl. 68, 2010; cl. 73, 2021

Parliament

LORDS—

Privilege—Treaty of Washington—Tribunal of Arbitration (Geneva)—The Indirect Claims, Question, Observations, Lord Oranmore and Browne; Reply, Earl Granville; short debate thereon June 4, 1093

Whitsuntide Recess, Question, The Marquess of Salisbury; Answer, Earl Granville May 3, 191—*Adjournment of the House*, Observations, Earl Granville; Reply, Earl Russell May 13, 948

COMMONS—

Controverted Elections, Mr. Speaker informed the House, that he had received from Chief Justice Monahan, one of the Judges selected, pursuant to the Parliamentary Elections Act, 1868, for the trial of Elections Petitions, Reports relating to the Election for the County of Kerry May 7

Business of the House

Act of Uniformity Amendment Bill, Question, Mr. Rylands; Answer, Mr. Bouverie June 3, 1030

Public Business

Question, Sir Colman O'Loughlen; Answer, Mr. Gladstone June 10, 1509

Corrupt Practices Bill, Question, Mr. Fawcett; Answer, Mr. Gladstone June 3, 1027

Order and Practice—Counts Out, Observations, Mr. Newdegate, Mr. Speaker June 19, 1949; Question, Observations, Mr. Newdegate; Reply, The Chancellor of the Exchequer June 20, 1992

Post Office—Postmaster at this House, Question, Mr. G. Bentinck; Answer, Mr. Monsell May 27, 708

Public Health Bill, Question, Sir Charles Adderley; Answer, Mr. Gladstone May 30, 838; June 3, 1027

Report of Select Committee, Question, Mr. Raikes; Answer, The Chancellor of the Exchequer June 6, 1278

Whitsuntide Recess, Question, Colonel Bartelot; Answer, Mr. Gladstone May 2, 106; May 7, 376

Parliament—Ascension Day—Committees

Moved, "That no Committees have leave to sit To-morrow, being Ascension Day, until Two of the clock" (*Mr. Glyn*) May 8, 447; after short debate, Question put, A. 47, N. 52; M. 5

VOL. CCXI. [THIRD SERIES.] [cont.]

Parliament—Ascension Day—Committees—cont.

Moved, "That this House do now adjourn" (*Mr. Beresford Hope*) May 9, 505; after short debate, Motion withdrawn

Parliament—Business of the House

Moved, "That during those Sittings of the House which are limited as to time, no Motion for the Adjournment of any Debate be put from the Chair within half an hour of the time fixed for the conclusion of Opposed Business" (*Mr. Raikes*) June 4, 1222; after short debate, Moved, "That the Debate be now adjourned" (*Mr. Cavendish Bentinck*); after further debate, Question put; A. 90, N. 63; M. 27; Debate adjourned till Tuesday 18th June

Parliament—Business of the House—Consolidation Statutes

Moved, "That whenever a Bill for the consolidation of existing Statutes, and containing only Clauses of Acts in force, be on its passage through the House, no Amendment shall be moved at any of its stages except in Committee; and the only Amendments which may then be moved shall be to insert other Clauses of any Acts in force on the same subject, and verbal Amendments rendered necessary by the amalgamation of the Clauses of different Acts" (*Lord Robert Montagu*) June 4, 1236; after short debate, Motion withdrawn

Parliament—Business of the House—(Lords' Bills)

Moved, "That when any Bill shall be brought from the House of Lords the Questions 'That this Bill be now read a first time,' and 'That this Bill be printed,' shall be put by Mr. Speaker as soon as conveniently may be, and shall be decided without Amendment or Debate, and when any such Bill shall have remained upon the Table for twelve sitting days without any honourable Member proposing a day for the Second Reading thereof, such Bill shall not be proceeded with in the same Session" (*Mr. Monk*) June 18, 1948
[House counted out]

Parliament—Counts of the House

Moved, "That every Member taking notice that 40 Members are not present shall do so from his place" (*Mr. Bowring*) June 11, 1629
[House counted out]

Parliament—Private Legislation

Moved, "That the existing system of passing Local Bills on the same subjects as Public General Acts is inconvenient, works injustice between different towns, and leads to unnecessary complication in the Laws affecting Local Government" (*Mr. Francis Sharp Powell*) June 13, 1666; Moved, "That the Debate be adjourned" (*Mr. Dent*); Motion agreed to; Debate adjourned
The Resolutions, Question, Mr. Dodson; Answer, Mr. Chichester Fortescue June 17, 1853

Parliament—Sittings of the House

Moved, "That, whenever the House shall meet at Two o'clock, the sitting of the House shall be held subject to the Resolutions of the House of the 30th day of April 1869" (*Mr. Gladstone*) June 3, 1048; after short debate, Motion agreed to

Parliament—The Derby Day

Moved, "That this House will, at the rising of the House this day, adjourn till Thursday next" (*Mr. Gladstone*) May 28, 789; after short debate, Question put; A. 212, N. 58; M. 154

HOUSE OF LORDS

Sat First

June 4—The Marquess of Ailsa, after the death of his Father

June 13—The Duke of Bedford, after the death of his Uncle
The Earl of Aberdeen, after the death of his Brother

HOUSE OF COMMONS

New Writs Issued

May 27—For Mallow, v. George Waters, esquire, Chairman of the Quarter Sessions of the County of Waterford

May 28—For Oldham, v. John Platt, esquire, deceased

June 12—For Bedford County, v. Francis Charles Hastings Russell, esquire, now Duke of Bedford

The Galway Election

Moved, That the Clerk of the Crown do attend this House To-morrow, at Two of the clock, with the last Return for the County of Galway, and amend the same, by rasing out the name of John Philip Nolan, esquire, and inserting the name of Captain the Honourable William le Poer Trench, instead thereof (*Mr. Gladstone*) June 13, 1677; after short debate, Motion agreed to

The Clerk of the Crown attending according to order, amended the Return for the County of Galway June 14

New Members Sworn

June 6—John Morgan Cobbett, esquire, Oldham

June 14—William Felix Munster, esquire, Mallow

June 17—Hon. William le Poer Trench, Galway County

Parliamentary and Municipal Elections

Bill [Bill 21] and
Corrupt Practices Bill [Bill 22]
(*Mr. William Edward Forster, Mr. Secretary Bruce, Marquess of Hartington*)

c. Committee May 2, 107

First Schedule

Amendments made

Remaining Schedules and Preamble agreed to Report

Considered May 9, 510

Considered May 13, 665

Parliamentary and Municipal Elections Bill and Corrupt Practices Bill—cont.

Moved, "That the Bill be now read 3^o" May 30, 843

Amendt. to leave out from "Bill be," and add "re-committed, in respect of Schedule I., Rule 26" (*Mr. Maguire*) v.; Question proposed, "That the words, &c.;" after debate, Question put; A. 279, N. 61; M. 218; Bill read 3^o

Division List, Ayes and Noes, 885

l. Read 1^a (*Lord President*) May 31 (No. 117)

Moved, "That the Bill be now read 2^a" June 10, 1421

Amendt. to leave out ("now,") and insert ("this day six months") (*Earl Grey*); after long debate, on Question, That ("now,") &c. ? Cont. 86, Not-Cont. 56; M. 30; resolved in the affirmative; Bill read 2^a

Division List, Cont. and Not-Cont. 1504

Moved, "That the House do now resolve itself into Committee" (*Lord President*) June 17, 1800

Amendt. to leave out ("now") and insert ("this day six months") (*Lord Denman*); after short debate, on Question, That ("now,") &c.; resolved in the affirmative; Committee

Clause 1 (Nomination of candidates for Parliamentary Elections), 1801

Clause 2 (Poll at Election), 1802

Division Lists, Cont. and Not-Cont. 1810, 1822

Offences at Elections

Clause 3 (Offences in respect of nomination papers, ballot papers, and ballot boxes), 1824

Clause 4 (Infringement of secrecy), 1825

Amendment of Law

Clause 5 (Division of boroughs and counties into polling districts), 1827

Clause 6 (Use of school and public room for poll), 1829

Clauses 7 to 11, inclusive, agreed to

Miscellaneous

Clauses 12 to 15, inclusive, agreed to

Application of Part of Act to Scotland

Clause 16 (Alterations for application of Part I. to Scotland), 1843

Clauses 17 to 32, inclusive, agreed to

Clause 33 (Short title), 1843

FIRST SCHEDULE (*Rules for Parliamentary Elections*), 1845

SECOND, THIRD, FOURTH, FIFTH, SIXTH SCHEDULES agreed to, 1847

Party Processions (Ireland) Act Repeal Bill (*Earl of Dufferin*)

l. Bill read 2^a, after short debate May 7, 363

Committee*; Report May 10

Read 3^a* May 13

Royal Assent June 27 [35 & 36 Vict. c. 22]

PATTEN, Right Hon. Colonel J. W., Lancashire, N.

Army—Autumn Manœuvres, Res. 806

Education (Scotland), Comm. add. cl. 2026

Municipal Corporations (Wards), Consid. 777

[cont.]

[cont.]

PATTEN, Right Hon. Colonel J. W.—*cont.*

Parliament—Business of the House, Res. 1230, 1233, 1237

Supply—Court of Chancery, 1875

Criminal Prosecutions, 1868

Unlawful Assemblies (Ireland) Act Repeal, 2R. 158, 167

Pawnbrokers Bill

(*Mr. Whitwell, Mr. Charles Mills, Mr. Morley, Mr. Plimsoll*)

c. Considered in Committee; Bill ordered; read 1^o *May* 27 [Bill 173]

Read 2^o*, and referred to a Select Committee *June* 6

Committee nominated; List of the Committee *June* 17, 1905

PEEK, Mr. H. W., *Surrey, Mid.*
Metropolis—Chelsea Toll Bridge, 1886

PEEL, Right Hon. Sir R., *Tamworth*
Ireland—Galway Election Petition, 1861

PELL, Mr. A., *Leicestershire, S.*
Agricultural Children, 2R. 1861
Master and Servant (Wages), 1588
Public Prosecutors, Comm. 1967
Registration of Borough Voters, Comm. 1250

PEMBERTON, Mr. E. L., *Kent, E.*
Poor Law—Lunatics, Borough Pauper, 500

Pensions Bill

(*Marquess of Lansdowne*)

l. Read 2^o* *May* 6 (No. 93)
Committee*; Report *May* 7
Read 3^o* *May* 10
Royal Assent *May* 13 [35 Vict. c. 12]

Pensions Commutation Act—Case of Lieutenant March

Question, Mr. M'Arthur; Answer, The Chancellor of the Exchequer *May* 6, 283

Permissive Prohibitory Liquor Bill

(*Sir Wilfrid Lawson, Lord Claud Hamilton, Sir Thomas Bazley, Mr. Downing, Sir John Hanmer, Mr. Miller, Mr. Dalway*)

c. Moved, "That the Bill be now read 2^o" *May* 8, 448 [Bill 3]
Amendt. to leave out "now," and add "upon this day six months" (*Mr. Wheelhouse*); Question proposed, "That 'now,' &c.;" after long debate, Moved, "That the debate be now adjourned" (*Sir Frederick Heygate*); Question put; A. 15, N. 369; M. 354; debate adjourned

Persia—Foreign Jurisdiction Act

Question, Mr. Eastwick; Answer, Viscount Enfield *June* 6, 1279

PETERBOROUGH, Bishop of

Intoxicating Liquor (Licensing), 2R. 84, 97; Comm. cl. 6, 574; cl. 10, Amendt. 576; Report, cl. 4, 1336, 1337

Petroleum Bill [H.L.]

(*Earl of Morley*)

l. Presented; read 1^o* *May* 10 (No. 104)
Read 2^o*, and referred to a Select Committee *May* 31
Committee nominated; List of the Committee *June* 7, 1348

PHILIPS, Mr. R. N., *Bury (Lancashire)*
Parliamentary and Municipal Elections, 3R. 884

Pier and Harbour Orders Confirmation Bill

(*Mr. Arthur Peel, Mr. Chichester Fortescue*)

c. Considered in Committee; Bill ordered; read 1^o* *May* 2 [Bill 142]
Read 2^o* *May* 6
Committee*; Report *May* 27
Committee* (*on re-comm.*); Report; Considered; read 3^o* *May* 30
l. Read 1^o* (*Earl Cowper*) *May* 31 (No. 116)
Read 2^o* *June* 10
Committee* *June* 17
Report* *June* 18
Read 3^o* *June* 20
Royal Assent *June* 27 [35 & 36 Vict. c. lxxviii]

Pier and Harbour Orders Confirmation (No. 2) Bill

(*Mr. Arthur Peel, Mr. Chichester Fortescue*)

c. Considered in Committee; Bill ordered; read 1^o* *May* 9 [Bill 158]
Read 2^o* *May* 13
Order for Committee discharged; Bill committed to a Select Committee* *May* 27
Report*; Re-comm. *June* 5 [Bill 187]
Committee* (*on re-comm.*); Report *June* 6
Considered*; read 3^o* *June* 7
l. Read 1^o* (*Earl Cowper*) *June* 10 (No. 134)
Read 2^o* *June* 18

Pier and Harbour Orders Confirmation (No. 3) Bill

(*Mr. Arthur Peel, Mr. Chichester Fortescue*)

c. Considered in Committee; Bill ordered; read 1^o* *May* 27 [Bill 171]
Read 2^o*, and referred to a Select Committee *June* 17

PIM, Mr. J., *Dublin City*

Criminal Trials (Ireland), 2R. 1643

Education—Certificated Teachers Pensions, Notice, 943

Education (Scotland), Comm. cl. 8, 1306

Ireland—Customs Clerks at Dublin, 1270

Municipal Corporations (Ireland) Law Amendment, 2R. 1656

Parochial Registers (Ireland), 1270

Pm, Mr. J.—*cont.*

Supply—Broadmoor Criminal Lunatic Asylum, 1892
Public Record Office, 1538
Stationery, &c. 1539
Unlawful Assemblies (Ireland) Act Repeal, 2R. 158

PLAYFAIR, Dr. Lyon, *Edinburgh and St. Andrew's Universities*

Education (Scotland), Comm. *cl.* 1, 1077; *cl.* 19, 1309; *cl.* 43, 1363; Amendt. 1365, 1366; Amendt. 1367; *cl.* 50, Amendt. 1371; *cl.* 52, Amendt. 1621, 1629, 1710; *cl.* 56, 1713; *cl.* 59, Amendt. 1714, 1715; *cl.* 64, 1754; *cl.* 65, 1758; Amendt. 1934, 1992; *cl.* 66, 1998; *cl.* 70, Amendt. 2011, 2012; *cl.* 71, 2014, 2016; *add. cl.* 2028

PLIMSOLL, Mr. S., *Derby Bo.*

Permissive Prohibitory Liquor, 2R. 474

Police, *Metropolitan*

Case of Constable George Carter, Question, Mr. Straight; Answer, Mr. Bruce May 30, 840

Cruelty to Animals—*The 12th and 13th Vict.*, Question, Sir Henry Hoare; Answer, Mr. Bruce June 6, 1271

Strike of Seamen at Southampton, Question, Mr. Harvey Lewis; Answer, Mr. Bruce May 13, 653

Superannuation, Question, Mr. Eykyn; Answer, Mr. Bruce June 17, 1852

Polling Places (Scotland)—See title Scotland—Polling Places

Polynesian Islanders

Question, Mr. Eastwick; Answer, Mr. Knatchbull-Hugessen May 28, 788

POOR LAW

Borough Pauper Lunatics, Question, Mr. Pemberton; Answer, Mr. Stansfeld May 9, 500

Case of Mr. Goding, Question, Sir Michael Hicks-Beach; Answer, Mr. Hibbert June 14, 1742

Union Rating (Ireland), Question, Mr. McMahon; Answer, The Marquess of Hartington May 30, 837

Scotland—Female Inspectors, Question, Mr. McLaren; Answer, The Lord Advocate May 13, 649; June 3, 1028

Poor Law (Scotland) Bill

(Mr. Craufurd, Sir Robert Anstruther, Mr. Miller)
c. Committee *; Report May 31 [Bills 85-179]

PORTMAN, Lord

Intoxicating Liquor (Licensing), Comm. *cl.* 4, 570; *cl.* 6, Amendt. 572; *cl.* 25, 589

POST OFFICE

Irish Mails, Milford, Question, Mr. Gilpin; Answer, Mr. Monsell June 13, 1684

Irish Postmasters, Question, Mr. G. Browne; Answer, Mr. Monsell May 3, 193

Mails to the South of Ireland, Question, Mr. Delahunty; Answer, Mr. Monsell May 30, 831

Savings Banks' Clerks—Bank Holidays Act, Question, Mr. J. G. Talbot; Answer, Mr. Monsell May 10, 601

Sunday Labour, Question, Dr. Brewer; Answer, Mr. Monsell May 27, 707

The Telegraph Clerks, Question, Mr. Synan; Answer, Mr. Baxter June 17, 1857

POWELL, Mr. F. S., *Yorkshire, W. R., N. Division*

Burials, 2R. [209] 372

Customs and Inland Revenue, Comm. *add. cl.* [211] 1560

Education (Scotland), 2R. [209] 1556; Comm. [211] 329; *cl.* 8, 1302; *cl.* 24, 1355; *cl.* 35, 1356; *cl.* 39, 1359; *cl.* 42, 1361; *cl.* 46, 1748; *cl.* 68, 2005; Amendt. 2008, 2009; *cl.* 71, 2019

Elementary Education Act (1870) Amendment, Leave, [210] 1722

Middlesex Registration of Deeds, 2R. [211] 1260

Parliament—Private Legislation, Res. [211] 1666, 1669

Parliamentary and Municipal Elections, Comm. [209] 1186; *cl.* 1, 1963; *cl.* 2, [210] 900, 1107, 1108, 1121; *cl.* 3, 1223; *cl.* 5, 1527, 1528; Schedule 1, 1955; Schedule 2, [211] 138, 139

Permissive Prohibitory Liquor, 2R. [211] 484

Public Health, Leave, [209] 603

Public Health in Rural Places, 2R. [210] 1759

Supply—Copyhold, Inclosure, and Tithe Commissions, [211] 1534

Local Government Board, [211] 1537

Patent Law Amendment Act, [211] 1536

Privy Council, [211] 979, 1517

Registrar General of Births, &c. [211] 1535

Turnpike Trusts, Res. [210] 82

Ways and Means—Financial Statement, Comm. [210] 633

POWIS, Earl of

Intoxicating Liquor (Licensing), Comm. *cl.* 31, 594

Parliamentary and Municipal Elections, Comm. Schedule 1, 1847

Prison Ministers Bill [H.L.]

(Duke of Cleveland)

l. Report May 7, 360 (Nos. 72-91)

Read 3* May 10 (No. 99)

c. Read 1* (Sir John Trevelyan) June 10 [Bill 191]

Prisons (Ireland) Bill [H.L.]

(Marquess of Lansdowne)

l. Presented; read 1* May 13 (No. 108)

Read 2* June 3

Public Health Bill

Question, Sir Charles Adderley; Answer, Mr. Gladstone May 30, 838; June 3, 1027
Charges on Public Revenue, Question, Sir Michael Hicks-Beach; Answer, Mr. Stansfeld May 31, 909

Public Health (Scotland) Supplemental Bill (*The Lord Advocate, Mr. Adam*)

c. Ordered; read 1^o May 13 [Bill 162]
Read 2^o May 27
Committee*; Report May 30
Read 3^o May 31
l. Read 1^o (Earl of Morley) June 3 (No. 121)
Read 2^o June 10
Committee*; Report June 11
Read 3^o June 13
Royal Assent June 27 [35 & 36 Vict. c. xlv]

Public Parks (Ireland) Bill

l. Royal Assent May 13 [35 Vict. c. 6]

Public Prosecutors Bill

Mr. Spencer Walpole, Mr. Russell Gurney, Mr. Eykyn, Mr. Rathbone
c. Cost of Public Prosecutors, Question, Mr. West; Answer, Mr. Bruce June 10, 1507
Committee; Report June 19, 1950 [Bills 28-203]

Queen's Bench (Ireland) Procedure Bill

(*Mr. Heron, Mr. Pim*)
c. Read 2^o June 5 [Bill 126]
Committee*; Report June 14
Read 3^o June 17
l. Read 1^o (Lord O'Hagan) June 18 (No. 159)

RAIKES, Mr. H. C., Chester

Defamation of Private Character, 2R. 1254
Parliament—Report of Select Committee on Public Business, 1278
Parliament—Business of the House, Res. 1222, 1223
Parliamentary and Municipal Elections, Comm. Schedule 1, 116
Registration of Borough Voters, Comm. 1252

Railway Rolling Stock (Distraint) Bill

(*Mr. Muntz, Mr. Pim, Mr. Anderson*)
c. Read 2^o June 13 [Bill 116]

Railways

Accident in the Box Tunnel—Supply of Lights, Question, Major Walker; Answer, Mr. Chichester Fortescue May 6, 278
Communication with Guards—The Cord System, Question, Mr. Hinde Palmer; Answer, Mr. Chichester Fortescue June 13, 1687

Railways Provisional Certificate Confirmation Bill

(*Mr. Arthur Peel, Mr. Chichester Fortescue*)
c. Ordered; read 1^o June 10 [Bill 192]
Read 2^o June 13

Railways—Telegraph Block System

Moved, "For Return of Railways in the United Kingdom, showing those which are worked by telegraph block systems" (*Lord Buckhurst*) May 6, 274; Motion agreed to

RATHBONE, Mr. W., Liverpool

France—Treaty of Commerce, Denunciation of the, 1790
Registration of Borough Voters, Comm. 1250

Rating—Exemptions of Government Property

Question, Dr. Brewer; Answer, Mr. Stansfeld May 30, 836

RAVENSWORTH, Lord

Parliamentary and Municipal Elections, 2R. 1461

READ, Mr. Clare S., Norfolk, S.

Agricultural Children, 2R. 1657
Army—Autumn Manœuvres, Res. 798
Inland Revenue — Income Tax — Tenant Farmers, 1513
Supply—Privy Council, 1522

REDESDALE, Lord (Chairman of Committees)

Epping Forest, 2R. 191
Parliamentary and Municipal Elections, Comm. add. cl. 1842
Treaty of Washington, 270, 909; Motion for an Address, 1189, 1730, 1733

REDMOND, Mr. W. A., Wexford

Parliamentary and Municipal Elections, Comm. Schedule 1, 127
St. George's Channel—Lighthouse on Tuskar Rocks, 838

REED, Mr. C., Hackney

Education—Certificated Teachers Pensions, Notice, 943
Education (Scotland), Comm. cl. 65, 1941

Reformatory and Industrial Schools (No. 2) Bill (*Mr. John Talbot, Viscount Mahon, Mr. Cowper*)

c. Read 2^o May 1 [Bill 134]
Committee*; Report May 2
Considered*; read 3^o May 3
l. Read 1^o (Duke of Richmond) May 6 (No. 98)
Read 2^o May 7
Committee*; Report May 10
Read 3^o May 13
Royal Assent June 27 [35 & 36 Vict. c. 21]

Registrar of Deeds, &c. (Middlesex)

Question, Mr. Cubitt; Answer, Mr. Bruce June 17, 1848

Registration of Borough Voters Bill

(*Mr. Vernon Harcourt, Mr. Whitbread, Sir Charles Dilke, Mr. Collins, Mr. Henry Robert Brand, Mr. Rathbone*)

c. Order for Committee read ; Moved, "That Mr. Speaker do now leave the Chair" (*Mr. Vernon Harcourt*) June 5, 1941

Amendt. to leave out from "That," and add "this House will, upon this day three months, resolve itself into the said Committee" (*Mr. Matthews*) v. ; Question proposed, "That the words, &c.," after debate, Question put, and negatived ; words added ; main Question, as amended, put, and agreed to ; Committee put off for three months [Bill 15]

Religious Disabilities Abolition Bill

Question, *Mr. Newdegate* ; Answer, *Sir Colman O'Loughlen* May 6, 288

Religious Disqualifications for Offices

Question, *Sir Colman O'Loughlen* ; Answer, *The Attorney General* May 6, 280

Review of Justices' Decisions Bill

(*Mr. Hunt, Mr. Staveley Hill*)

c. Ordered ; read 1^o * June 10 [Bill 190]

Read 2^o * June 17

Committee * ; Report June 18

Read 3^o * June 19

l. Read 1^a * (*Duke of Richmond*) June 20 (No. 164)

RICHARD, Mr. H., *Merthyr Tydvil*

All Saints Church, Cardiff, 2R. 827
Education (Scotland), Comm. cl. 65, 1948

RICHMOND, Duke of

Appellate Jurisdiction, Nomination of Committee, 276

Army—Grenadier Guards, Band of, 987
Guards, The, 1326

Army—Purchase and Scientific Corps, 1329 ;
Address for a Commission, 1931

Intoxicating Liquor (Licensing), 2R. 74, 95 ;
Comm. cl. 4, Amendt. 565, 571 ; cl. 6, Amendt. 574 ; cl. 9, Amendt. 576 ; cl. 10, Amendt. 577 ; cl. 11, Amendt. ib. ; cl. 14, Amendt. 578 ; cl. 15, Amendt. ib. 579 ; cl. 19, 582 ; cl. 20, 583, 584 ; cl. 23, Amendt. 585 ; cl. 25, 589 ; cl. 31, Amendt. 592 ; cl. 39, Amendt. 595 ; cl. 66, 599 ; Report, cl. 4, Amendt. 1333, 1337 ; cl. 23, 1338, 1339 ; add. cl. 1348, 1665

Parliamentary and Municipal Elections, 2R. 1437, 1474 ; Comm. cl. 2, Amendt. 1802, 1809 ; Amendt. 1812 ; cl. 4, Amendt. 1825 ; cl. 5, Amendt. 1827 ; cl. 6, 1829 ; add. cl. 1836, 1840 ; Schedule 1, Amendt. 1845

Prison Ministers, Report, cl. 3, Amendt. 360, 361 ; cl. 4, 362 ; Schedule, Amendt. ib.

Treaty of Washington, 564, 642 ; Motion for an Address, 1192, 1267

RIPON, Marquess of (Lord President of the Council)

Appellate Jurisdiction, Nomination of Committee, 277

Army—Purchase and Scientific Corps, Address for a Commission, 1927

RIPON, Marquess of—cont.

Parliamentary and Municipal Elections, 2R. 1421 ; Comm. 1801 : cl. 1, ib., 1802 ; cl. 2, 1803, 1812 ; cl. 3, 1825 ; cl. 4, ib. ; cl. 5, 1828 ; cl. 6, 1830 ; add. cl. 1831, 1833, 1837 ; cl. 33, 1844 ; Schedule 1, 1846
Treaty of Washington, Motion for an Address, 1149

RODEN, Mr. W. S., *Stoke-on-Trent*

Imprisonment for Debt Abolition, 2R. 1982

Rome—Diplomatic Representaion at the Papal Court

Question, *Mr. Monk* ; Answer, *Viscount Enfield* June 3, 1028

ROMILLY, Lord

Landlord and Tenant (Ireland) Act 1870, Motion for a Committee, 1010

Parliamentary and Municipal Elections, Comm. cl. 2, 1809, 1821 ; cl. 5, 1829

ROSEBERY, Earl of

Extradition of Criminals, Address for Returns, 181

Parliamentary and Municipal Elections, 2R. 1465, 1493 ; Comm. add. cl. 1833

Treaty of Washington, Motion for an Address, 1165

Royal Parks and Gardens Bill

(*Duke of St. Albans*)

l. Committee * May 2 (No. 79)

Report * May 6

Read 3^a * May 7

Royal Assent June 27 [35 & 36 Vict. c. 15]

ROYSTON, Right Hon. Viscount, *Cambridgeshire*

Treaty of Washington—Statement, 1614

Rule of the Road at Sea—Steering and Sailing Rules

Moved, "That a Select Committee be appointed to inquire whether the present Steering and Sailing Rules cannot be modified so as to reduce the present risk to life and property at Sea" (*Sir John Hay*) May 7, 377 ; after short debate, Question put, and negatived ; Question, *Sir John Hay* ; Answer, *Mr. Chichester Fortescue* May 30, 836

RUSSELL, Earl

Parliament—Whitsuntide Recess, 648

Treaty of Washington, 269, 272, 273, 642, 992, 993 ; Motion for an Address, 1095, 1111, 1206

Russian War, The—British Graves in the Crimea

Question, *Mr. W. H. Smith* ; Answer, *Viscount Enfield* May 2, 98

RUTLAND, Duke of

Parliamentary and Municipal Elections, 2R. 1471

[cont.]

RYLANDS, Mr. P., *Warrington*

Act of Uniformity Amendment, 3R. Motion for Adjournment, 1085
British Consular Establishments, 602
Court of Chancery (Funds), Comm. cl. 21, 696
Navy Estimates — Dockyards at Home and Abroad, Amendt. 721, 726, 731, 733, 769
Parliament—Public Business, 1030
Parliament—Business of the House, Res. 1233
Parliamentary and Municipal Elections, Comm. Schedule 1, 121; Consid. cl. 8, 533; Schedule 1, Amendt. 546; Amendt. 557, 667, 677
Supply—Civil Service Commission, 1533
Civil Services, 1051
Court of Chancery, 1873
Metropolitan Police, 1883
Privy Council, Amendt. 977, 983, 1518
Salaries and Allowances of Governors, &c. 1901
Secret Services, Amendt. 1543
Slaves, Bounties on, 1902
Treaty of Washington, 1694

ST. ALBANS, Duke of
Epping Forest, 2R. 189

ST. AUBYN, Mr. J., *Cornwall, W.*
Mine Dues, 2R, 1661

St. George's Channel—Lighthouse on the Tuskar Rocks
Question, Mr. Redmond; Answer, Mr. Chichester Fortescue May 30, 838

SALISBURY, Marquess of

Appellate Jurisdiction, Nomination of Committee, 276
Church Seats, Comm. cl. 2, 171
Epping Forest, 2R. 190, 191
Intoxicating Liquor (Licensing), 2R. 89; Comm. cl. 4, 568; cl. 8, 575; cl. 10, 577; cl. 16, 579, 581; cl. 20, 585; cl. 25, 586, 589, 590; cl. 29, 592; cl. 31, 593; Report, 1332; cl. 4, 1335; cl. 5, 1338; cl. 25, Amendt. 1339, 1340; cl. 29, 1340, 1342; add. cl. Amendt. 1347
Parliament—Whitsuntide Recess, 191
Parliamentary and Municipal Elections, 2R. 1491, 1493; Comm. cl. 2, 1814, 1818, 1821, 1824; cl. 3, 1825; cl. 4, 1826; cl. 6, 1830; add. cl. 1831, 1838
Statute Law Revision, 2R. 1022
Treaty of Washington, 271, 564, 905; Motion for an Address, 1141, 1188, 1266, 1267;—Statement, 1673

Salmon Fisheries (No. 2) Bill

(*Mr. Dillwyn, Mr. William Lowther, Mr. Assheton, Mr. Brown*)

c. Report * May 31 [Bills 10-178]

SALOMONS, Alderman Sir D., *Greenwich*
Public Prosecutors, Comm. 1971

SALT, Mr. T., *Stafford*

Court of Chancery (Funds), Comm. cl. 22, 697
India—Andaman Islands, Convicts at, 99

SAMUDA, Mr. J. D'A., *Tower Hamlets*

Navy Estimates — Dockyards at Home and Abroad, 733
Parliamentary and Municipal Elections, Consid. Schedule 1, 555

SAMUELSON, Mr. B., *Banbury*

Education (Scotland), Comm. cl. 52, 1628

SAMUELSON, Mr. H. B., *Cheltenham*

Education—Inspectors of Elementary Schools, 1588
Parliamentary and Municipal Elections, Comm. Schedule 1, Amendt. 123, 126; Schedule 2, Amendt. 137

SANDHURST, Lord

Army—Purchase and Scientific Corps, 1329;
Address for a Commission, 1919

SANDON, Viscount, *Liverpool*

Education (Scotland), Comm. cl. 65, 1938;
cl. 66, 1998; cl. 73, 2021

SCLATER-BOOTH, Mr. G., *Hampshire, N.*

Court of Chancery (Funds), Consid. 1723
Customs and Inland Revenue, Consid. add. cl. 1904
Parliamentary and Municipal Elections, Consid. Amendt. 514
Public Prosecutors, Comm. 1950
Supply—Broadmoor Criminal Lunatic Asylum, 1893
Charity Commission, 1529
County Courts, 1879
Court of Chancery, 1872
Law Charges, 1867
Miscellaneous Legal Charges, 1895
Privy Council, 977, 978
Queen's and Lord Treasurer's Office (Scotland), 1550
Works and Public Buildings, 1542

SCOTLAND

Endowed Schools and Hospitals—See that title
Offences against Women and Children Bill, Question, Sir David Wedderburn; Answer, The Lord Advocate May 8, 499
Poor Law—Female Inspectors, Question, Mr. M'Laren; Answer, The Lord Advocate May 13, 649; June 3, 1028

Scotland—Polling Places

Amendt. on Committee of Supply May 31, To leave out from "That," and add "an humble Address be presented to Her Majesty, praying Her Majesty that She will be graciously pleased to give directions that there be laid before this House, a Return respecting the counties, divisions of counties, and combined counties in Scotland which severally return a Member to Parliament, showing, as far as can be given, the population of each, the area in square miles, the number of electors, the number of polling places at last election, the average number of electors to each polling place, the average number of square miles to each polling place, and the number of electors who at last election polled at each polling place."

Scotland—Polling Places—cont.

place, the two divisions of a county recently made for the purpose of returning a Member each for each division to be bracketed together and treated as an original county for the calculation of this Return, and the number of square miles in each county to be taken from the 'Edinburgh Almanac,' or any other authentic source" (*Mr. McLaren v. 972*; Question proposed, "That the words, &c.;" after short debate, Question put, and agreed to

SCOTT, Lord H. J. M. D., *Hampshire, S.*
Education (Scotland), Comm. 306; *cl.* 1, 1056, 1073; Motion for reporting Progress, 1084; *cl.* 4, 1213; *cl.* 5, 1288; *cl.* 8, 1290; *cl.* 19, 1322; *cl.* 52, 1709; *cl.* 64, 1748, 1753
Ireland—Clare, Lord Lieutenant of, Res. 441
Navy Estimates—Coastguard, &c. 720
Dockyards at Home and Abroad, 769
Treaty of Washington, 1741, 1742
Women's Disabilities Removal, 2R. 69

SCOURFIELD, Mr. J. H., *Pembrokeshire*
Education—Certificated Teachers Pensions, Notice, 944
Education (Scotland), Comm. 327, 911; *cl.* 68, Amendt. 2004, 2007, 2011; *cl.* 70, 2013; *cl.* 71, 2014
Navy Estimates—Dockyards at Home and Abroad, 766
Parliament—Business of the House, Res. 1233
Parliamentary and Municipal Elections, Comm. Schedule 1, 134
Public Prosecutors, Comm. 1966
Registration of Borough Voters, Comm. 1253
Women's Disabilities Removal, 2R. 34

SELWIN-IBBETSON, Sir H. J., *Essex, W.*
Parliament—Business of the House, Res. 1225, 1231
Permissive Prohibitory Liquor, 2R. 479
Treaty of Washington, 1694

SHAFTESBURY, Earl of
Parliamentary and Municipal Elections, 2R. 1447; Comm. *add. cl.* 1831, 1835

SHAW, Mr. R., *Burnley*
Supply—County Courts, 1880

SHERLOCK, Mr. Serjeant D., *King's Co.*
Criminal Trials (Ireland), 2R. 1645
Municipal Corporations (Ireland) Law Amendment, 2R. 1655, 1667
Unlawful Assemblies (Ireland) Act Repeal, 2R. 159

SIMON, Mr. Serjeant J., *Dewsbury*
Spain—"Lark," Seizure and Detention of the, 605, 607

Sites for Places of Worship and Schools Bill (*Mr. Osborne Morgan, Mr. Morley, Mr. Charles Reed, Mr. Hinde Palmer*)

a Committee*; Report June 4 [Bill 2]
Order for Consideration read June 7, 1420

[cont.]

Sites for Places of Worship and Schools Bill—cont.

Amendt. in page 3, line 41, after "school," add "and such trust deed, together with the names of the trustees for the time being, shall be enrolled in the High Court of Chancery" (*Mr. Newdegate*); Question proposed, "That those words be there added"

Amendt. proposed to the said proposed Amendt. to leave out "together with the names of the trustees for the time being" (*Mr. Osborne Morgan*); Question proposed, "That the words, &c.;" Question put; A. 3, N. 22; M. 19 [House adjourned]

Considered* June 19

Read 3^o* June 20

SMITH, Mr. A., *Hertfordshire*

Army—Autumn Manœuvres, Res. 802

SMITH, Mr. J. B., *Stockport*

Cattle, Importation of—Order in Council, 1871, 650

Weights and Measures—Metric System Act (1864), 1859

Sugar—Drawback Convention, 1026

SMITH, Mr. T. E., *Tynemouth, &c.*

India—Bombay, Old Bank of, Res. 246

Navy—Rule of the Road at Sea—Steering and Sailing Rules, Motion for a Select Committee, 383

Permissive Prohibitory Liquor, 2R. 482

Supply—Miscellaneous Legal Charges, 1895

SMITH, Mr. W. H., *Westminster*

Crimea—British Graves in the, 98

Customs and Inland Revenue, Comm. *cl.* 13, 1560

Education (Scotland), Comm. *cl.* 66, 1996; *cl.* 67, Amendt. 2001

Metropolis—Queen's Square, Westminster, and Birdcage Walk, Res. 1240

Parliamentary and Municipal Elections, Consid. Schedule 1, 562; 3R. 856, 858

SMYTH, Mr. P. J., *Westmeath Co.*

Ireland—Galway Election Petition, 1860

National Schools, Masters and Assistants at, 1743

* Unlawful Assemblies (Ireland) Act Repeal, 2R. 140

SOLICITOR GENERAL, The (Sir G. JESSEL),
Dover

Court of Chancery (Funds), Comm. 683; *cl.* 18, 693, 839

Imprisonment for Debt Abolition, 2R. 1983

India—Bombay, Old Bank of, Res. 227

Law Officers of the Crown, 263

Parliamentary and Municipal Elections, Consid. *cl.* 26, 545

Supply—Court of Chancery, 1874

Land Registry, 1881

SOMERSET, Duke of

Intoxicating Liquor (Licensing), 2R. 88 ;
Comm. *cl.* 16, 580; *cl.* 25, 588, 589; Amendt.
590; *cl.* 31, 593; *cl.* 39, 598; *cl.* 66,
Amendt. 599; Report, *cl.* 4, 1836
Naval College, Portsmouth, Removal of, 175
Parliamentary and Municipal Elections, Comm.
cl. 2, 1809; *cl.* 4, 1827

*Spain—Cuba—Seizure and Detention of
the "Lark"*

Questions, Mr. Serjeant Simon, Sir John
Pakington; Answers, Mr. Speaker, Mr.
Knatchbull-Hugessen *May* 10, 605

**SPEAKER, The (Right Hon. H. B. W.
BRAND), Cambridgeshire**

Army—Control Department, 1994
Bishops Resignation Act (1869) Perpetuation,
2R. 1553
Customs and Inland Revenue, Comm. 1555
Ireland—Galway Election Petition, 1669
Parliament—Ascension Day, 507
Counts-out, 1950
Parliamentary and Municipal Elections, Consid.
513; *cl.* 16, 535; Schedule 1, 679; 3R. 852,
870
Registration of Borough Voters, Comm. 1253
Spain—"Lark," Seizure and Detention of the,
606
Treaty of Washington, Res. 1281;—Statement,
1591, 1741

STACPOOLE, Mr. W., Ennis

Army—Cashel Barracks, 104;—Sickness at,
835
Martini-Henry Rifle, 1691
Ireland—Clare, Lord Lieutenant of, Res. 431
Supply—Broadmoor Criminal Lunatic Asylum,
1893

STANLEY OF ALDERLEY, Lord

Parliamentary and Municipal Elections, Comm.
cl. 3, Amendt. 1824

**STANSFELD, Right Hon. J. (President
of the Poor Law Board), Halifax**

Bastardy Laws Amendment, 2R. 1976
Land Returns—The "New Domesday Book,"
1684
Local Government—Digest of Sanitary Laws,
1688
Mine Dues, 2R. 1798
Parliament—Private Legislation, Res. 1669
Poor Law—Lunatics, Borough Pauper, 500
Public Health—Public Revenue, Charges on,
909, 910
Rating—Exemptions of Government Property,
836
Supply—Local Government Board, 1538

Statute Law Revision Bill [H.L.]

(Lord Chancellor)

L. Presented; read 1st *May* 13 (No. 107)
Read 2^d, after short debate *June* 3, 1022
Committee * *June* 10
Report * *June* 11
Read 3^d * *June* 13

STAPLETON, Mr. J., Berwick-on-Tweed

Education (Scotland), Comm. *cl.* 8, 1301;
cl. 64, 1748; *cl.* 65, Amendt. 1756

STEVENSON, Mr. J. C., South Shields

Municipal Corporations (Wards), Consid. 776

**STORKS, Right Hon. Major General Sir
H. (Surveyor General of Ordnance),
Ripon**

Army—Questions, &c.
Equipment of the, 104
India—Horse Artillery, 1419
Martini-Henry Rifle, 1691
Militia Camp, Appleby, 1850
Army—Autumn Manœuvres, Res. 803
Canada, Dominion of—Arms and Stores, Sale
of, 502, 503

STRAIGHT, Mr. D., Shrewsbury

Criminal Law—Brutal Assaults on Women, 285
Defamation of Private Character, 2R. 1256
Metropolitan Police—Carter, George, Con-
stable, Case of, 840
Public Prosecutors, Comm. 1963

STRATFORD DE REDCLIFFE, Viscount

Treaty of Washington, Motion for an Address,
1126

**STUART, Lieutenant Colonel J. F. D. C.,
Cardiff**

All Saints Church, Cardiff, 2R. 821

*Suez Canal—Increase of Dues—Net and
Gross Tonnage*

Questions, Mr. Norwood; Answers, Mr. Chi-
chester Fortescue *June* 13, 1687

SUPPLY

Considered in Committee *May* 3—Committee
—R.F.
Considered in Committee *May* 27, 719—NAVY
ESTIMATES—Resolutions reported *May* 30
Considered in Committee *May* 31, 976—Mis-
CELLANEOUS ESTIMATES—Resolutions reported
June 3
Considered in Committee *June* 3, 1049—CIVIL
SERVICE ESTIMATES—Resolutions reported
June 4
Considered in Committee *June* 10, 1516—CIVIL
SERVICE ESTIMATES—Committee—R.F.—Re-
solutions reported *June* 11
Postponed Resolutions 19-32 [reported 11th
June] considered, and agreed to *June* 13
Considered in Committee—Committee—R.F.
June 14
Considered in Committee *June* 17, 1865—CIVIL
SERVICE ESTIMATES—Resolutions reported
June 18

SYNAN, Mr. E. J., Limerick Co.

Criminal Trials (Ireland), 2R. 1641
Education (Scotland), Comm. *cl.* 20, 1363;
cl. 64, 1744
Irish Church Act Amendment, Comm. 355

[cont.]

SYNAN, Mr. E. J.—cont.

Municipal Corporations (Ireland) Law Amendment, 2R. 1656
Parliamentary and Municipal Elections, Comm. Schedule 1, 111; Amendt. 124; Consid. cl. 17, 539; Schedule 1, 547, 561, 668, 673, 676; 3R. 855
Post Office—Telegraph Clerks, 1857

TALBOT, Mr. J. G., Kent, W.

Bank Holidays Act—Savings Banks Clerks, 601
Criminal Law—Reformatory and Industrial Schools, Res. 629
Defamation of Private Character, 2R. 1258
Education (Scotland), Comm. 337; cl. 67, 2003; cl. 68, Amendt. 2009, 2010
Treaty of Washington, Res. 1279

TAYLOR, Right Hon. Lt.-Colonel T. E., Dublin Co.

Ireland—Neill, Mrs., Murder of, at Rathgar, 1984
Taxation, Exemption from, 286
Irish Church Act Amendment, 287

Thames Embankment (Land) Bill

(Mr. Chancellor of the Exchequer, Mr. Baxter)
c. 2R. adjourned May 9
Read 2° * May 13 [Bill 82]

THYNNE, Lord H. F., Wiltshire, S.

Army—Autumn Manœuvres, Res. 803

Tithe Rent-charge (Ireland) Bill

(Mr. Heron, Dr. Ball, Mr. Bagwell, Mr. Pim)
c. 2R. adjourned June 4 [Bill 70]

TOLLEMACHE, Major W. F., Cheshire, W.

Army—Militia Permanent Staff, 279

TORRENS, Mr. R. R., Cambridge Bo.

Middlesex Registration of Deeds, 1259
Parliamentary and Municipal Elections, Consid. Schedule 1, 669, 676

TORRENS, Mr. W. M., Finsbury

Colonies, The, Res. 921
India—Bombay, Old Bank of, Res. 245
South Africa, Res. 810, 815
Treaty of Washington—Statement, 1613

TRACY, Hon. C. R. D. HANBURY- Montgomery, &c.

Navy—Navigation, System of, Res. 1375, 1401
Navy—Rule of the Road at Sea—Steering and Sailing Rules, Motion for a Select Committee, 381

Tramways (Ireland) Provisional Order Confirmation Bill

(The Marquess of Hartington, Mr. Attorney General for Ireland)

c. Ordered; read 1° * May 31 [Bill 181]
Read 2° * June 3
Committee *; Report; read 3° June 12
Read 1° * (Earl Cowper) June 13 (No. 147)

Tramways Provisional Orders Confirmation (No. 2) Bill

(Mr. Arthur Peel, Mr. Chichester Fortescue)

c. Ordered; read 1° * May 8 [Bill 147]

Tramways Provisional Orders Confirmation (No. 3) Bill

(Mr. Arthur Peel, Mr. Chichester Fortescue)

c. Ordered; read 1° * May 3 [Bill 148]

Read 2° * May 9

Referred to Select Committee May 30, 897

Re-comm. *; Report June 7 [Bill 188]

Committee * (on re-comm.); Report June 10

Considered *; read 3° June 12

l. Read 1° * (Earl Cowper) June 13 (No. 145)

Tramways Provisional Orders Confirmation (No. 4) Bill

(Mr. Arthur Peel, Mr. Chichester Fortescue)

c. Ordered * May 7

Read 1° * May 8

[Bill 155]

Read 2° * May 13

Referred to Select Committee May 30, 897

Re-comm. *; Report June 7 [Bill 189]

Committee * (on re-comm.); Report June 10

Considered *; read 3° June 12

l. Read 1° * (Earl Cowper) June 13 (No. 146)

Treaty of Washington

LOORDS—

Tribunal of Arbitration (Geneva)—The Indirect Claims

Observations, Earl Granville; Reply, Earl Russell; debate thereon May 6, 267; Notice of Motion (Earl Russell) postponed

The Ministerial Statement, Observations, Earl Granville; short debate thereon May 10, 564; May 13, 632

The Correspondence

Observations, Earl Granville, Lord Cairns May 2, 73

The Supplemental Article

Question, The Earl of Derby; Answer, Earl Granville; debate thereon May 31, 898; Observations, Earl Granville; short debate thereon June 3, 989

Enlargement of Time, Statement, Earl Granville; debate thereon June 11, 1562

Communications of the High Commissioners—Professor Bernard's Lecture, Question, Observations, Lord Buckhurst; Reply, Earl Granville June 11, 1532

Order of Proceedings, Question, Observations, Lord Redesdale; Reply, Earl Granville June 14, 1730

Proceedings before the Arbitrators, Questions, Lord Cairns; Answers, Earl Granville June 17, 1799

Privilege, Question, Observations, Lord Oranmore and Browne; Reply, Earl Granville short debate thereon June 4, 1093

Treaty of Washington—Tribunal of Arbitration (Geneva)—The Indirect Claims

Moved, that an humble Address be presented to Her Majesty praying that Her Majesty will be graciously pleased to give instructions that all proceedings on behalf of Her Majesty before the Arbitrators appointed to meet at Geneva pursuant to the Treaty of Washington be suspended until the claims included in the Case submitted on behalf of the United States, and understood on the part of Her Majesty not to be within the province of the Arbitrators, have been withdrawn (*Earl Russell*) June 4, 1895; after long debate, Moved, "That the further debate on the said Motion be adjourned" (*Lord Chancellor*); after further short debate, on Question? Cont. 85, Not-Cont. 125; M. 40; resolved in the negative; Division List, Cont. and Not-Cont. 1190

Moved, "That the House do now adjourn" (*Lord Kinnaird*); Motion withdrawn; then the further debate upon the original Motion adjourned

Debate resumed June 6 1892; after further debate, Motion withdrawn

Treaty of Washington—Tribunal of Arbitration (Geneva)

Moved that an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to give instructions that all proceedings on behalf of Her Majesty before the arbitrators appointed to meet at Geneva pursuant to the Treaty of Washington be suspended until an agreement in writing be come to between Her Majesty's Government and the Government of the United States, and such agreement be laid before the arbitrators at Geneva by the joint action of these two Governments, removing and putting an end to all demands on the part of the Government of the United States with regard to the claims included in the case submitted on behalf of the United States and understood on the part of Her Majesty not to be within the province of the arbitrators (*The Lord Oranmore and Browne*) June 11, 1884; resolved in the negative

COMMONS—

Tribunal of Arbitration (Geneva)—The Indirect Claims

Observations, Mr. Gladstone May 7, 371; Ministerial Statement, Mr. Gladstone; short debate thereon May 13, 654; Question, Mr. Percy Wyndham; Answer, Mr. Gladstone June 6, 1276

Statement of Sir Stafford Northcote at Exeter, Questions, Mr. Bouverie; Answers, Sir Stafford Northcote May 27, 708

Resolution (Viscount Bury), Question, Mr. J. G. Talbot; Answer, Viscount Bury June 6, 1279

Moved, "That this House do now adjourn" (*Viscount Bury*); after short debate, Motion withdrawn

Communication of the High Commissioners, Questions, Mr. Horsman; Answers, Mr. Gladstone June 14, 1736

Treaty of Washington—Tribunal of Arbitration (Geneva)—cont.

The Correspondence

Question, Observations, Mr. Disraeli; Reply, Mr. Gladstone May 2, 105; Questions, Mr. Otway, Mr. Bouverie; Answers, Mr. Gladstone May 10, 607

The Negotiations

Questions, Mr. Bouverie, Mr. Osborne; Answers, Mr. Gladstone May 30, 842; Question, Colonel Barttelot; Answer, Mr. Gladstone May 31, 911; Notice (*Mr. Bruce*) June 10, 1561

The Supplemental Article

Observations, Mr. Disraeli; Reply, Mr. Gladstone May 27, 710; Observations, Questions, Mr. Disraeli, Mr. Bouverie; Reply, Mr. Gladstone May 28, 783; Observations, Mr. Gladstone June 3, 1032

Moved, "That this House do now adjourn" (*Mr. Osborne*); after debate, Motion withdrawn

Enlargement of Time, Statement (*Mr. Gladstone*) June 11, 1589

Moved, "That this House do now adjourn" (*Mr. Newdegate*); after debate, Motion withdrawn

General Contracts of the Treaty—Proceedings before Tribunal of Arbitration (Geneva)

Moved, "That this House do now adjourn" (*Mr. Corrance*) June 14, 1738; after short debate, Motion withdrawn; Questions, Mr. Bouverie, Lord Eustace Cecil; Answers, Mr. Gladstone June 17, 1862

Professor Bernard's Lecture, Question, Mr. Disraeli; Answer, Mr. Gladstone May 30, 841

Relations with the United States, Question, Mr. Osborne; Answer, Mr. Disraeli June 20, 1985

Parl. Papers (Commons)—

Draft of Article proposed by British Government ... (No. 8) [548]
Correspondence respecting Geneva Arbitration ... (No. 9) [566]

Treaty of Washington—Dominion of Canada

Question, Mr. Baillie Cochrane; Answer, Mr. Knatchbull-Hugessen May 13, 652; Questions, Mr. Gregory, Mr. Spencer Walpole, Mr. R. Torrens; Answers, Mr. Gladstone June 20, 1987

Guaranteed Canadian Loan of £2,500,000, Question, Sir George Jenkinson; Answer, Mr. Gladstone May 6, 284; Question, Mr. Baillie Cochrane; Answer, Mr. Knatchbull-Hugessen May 10, 603

Provisional "Use," Notice of Questions, Mr. Gregory, Mr. Baillie Cochrane June 14, 1735; Question, Mr. Baillie Cochrane; Answer, Mr. Knatchbull-Hugessen June 17, 1858

The San Juan Arbitration—Canadian Claims, Question, Mr. Corrance; Answer, Mr. Gladstone; debate thereon June 13, 1693

Parl. Paper—

Correspondence respecting Treaty of Washington ... [567]
[See title Canada, Dominion of]

[cont.]

TREVELYAN, Mr. G. O., *Hawick, &c.*
Education (Scotland), Comm. cl. 64, Amendt.
1718, 1744; Amendt. 1749, 1750; cl. 67,
2003
Supply—Court of Chancery, 1875

Trusts of Benefices and Churches Bill [H.L.]
(*Bishop of Carlisle*)

l. Presented; read 1^o * June 13 (No. 151)
Bill read 2^o June 18, 1906

Turnpike Acts Continuance

Question, Lord George Hamilton; Answer, Mr.
Bruce May 30, 834

Ulster Tenant Right Bill

(*Mr. Butt, Mr. Callan, Mr. Patrick Smyth*)

c. Ordered; read 1^o * May 2 [Bill 144]

Union of Benefices Act Amendment Bill
[H.L.] (*Bishop of London*)

l. Report of Select Committee * June 11 (No. 139)
Report * June 11 (No. 140)

Union Officers (Ireland) Superannuation Bill
(*The Marquess of Hartington, Mr. Attorney General for Ireland*)

c. Ordered; read 1^o * May 13 [Bill 166]
2R. adjourned * May 27

Unlawful Assemblies (Ireland) Act Repeal Bill

(*Mr. Patrick Smyth, Sir Patrick O'Brien, Mr. Synan, Mr. Digby, Mr. Downing, Mr. M^r Mahon, Mr. Maguire*)

c. Moved, "That the Bill be now read 2^o"
May 2, 140
Amendt. to leave out "now," and add "upon this day six months" (*The Marquess of Hartington*); Question proposed, "That 'now,' &c.;" after long debate, Question put; A. 27, N. 145; M. 118; words added; main Question, as amended, put, and agreed to; Bill put off for six months

VANCE, Mr. J., *Armagh City*
Municipal Corporations (Ireland) Law Amendment, 2R. 1656
Parliament—Business of the House, Res. 1234

Victoria Park Bill

(*Mr. Ayrton, Mr. William Henry Gladstone*)

c. Ordered; read 1^o * June 17 [Bill 201]

VIVIAN, Mr. H. Hussey, *Glamorganshire*
All Saints Church, Cardiff, 2R. 823
Permissive Prohibitory Liquor, 2R. 493

WALKER, Major G. G., *Dumfriesshire*
Education (Scotland), Comm. cl. 50, 1372
Railways—Box Tunnel, Accident in the, 278

WALPOLE, Right Hon. Spencer, H.,
Cambridge University

Act of Uniformity Amendment, 3R. 1088
All Saints Church, Cardiff, 2R. 828
Court of Chancery (Funds), Comm. 692
Public Prosecutors, Comm. 1952
South Kensington Museum—Natural History Collections, 1690
Treaty of Washington, 1989

WALTER, Mr. J., *Berkshire*

Supply—Broadmoor Criminal Lunatic Asylum, 1891

WATERHOUSE, Major S., *Pontefract*

Army—Grenadier Guards, Band of, 1510
Criminal Law—Criminal Prosecutions, Costs of, 504

WATNEY, Mr. J., *Surrey, E.*

Treaty of Washington—Statement, 1808

WAYS AND MEANS

Resolution [May 3] reported, and agreed to;
Bill ordered May 6, 359

[See title *Consolidated Fund*]

Inland Revenue—The Income Tax—Tenant Farmers, Question, Mr. C. S. Read; Answer, The Chancellor of the Exchequer June 10, 1513

Income Tax on Shootings, Question, Mr. Muntz; Answer, The Chancellor of the Exchequer May 13, 652

Sugar—Drawback Convention (1864), Question, Mr. J. B. Smith; Answer, The Chancellor of the Exchequer June 3, 1026

Terminable Annuities, 29 Vict. c. 5—Question, Mr. Sinclair Aytoun; Answer, Mr. Baxter June 6, 1274

WEDDERBURN, Sir D., *Ayrshire, S.*

Education (Scotland), Comm. cl. 65, 1946; cl. 67, Amendt. 2004; cl. 77, 2024
India—Bombay—Income Tax, 600
Scotland—Offences against Women and Children, 499

Weights and Measures (Metric System) Act
(1864)

Question, Mr. J. B. Smith; Answer, Mr. Chichester Fortescue June 17, 1859

WELBY, Mr. W. E., *Lincolnshire, S.*

Ordnance Survey—Lincolnshire, 1689;—The 25-inch Scale, 1936
Women, Employment of—Smith, Mary Ann, Case of, 1506

Wellington Monument, The

Amendt. on Committee of Supply May 3, To leave out from "That," and add "there be laid before this House, a Copy of further Correspondence relating to the completion of the Wellington Monument" (*Mr. Goldsmid*) v. 193; Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn

WEST, Mr. H. W., Ipswich
Public Prosecutors, *Cost of*, 1507
Public Prosecutors, Comm. 1951
Supply—County Courts, Amendt. 1876, 1880
Court of Chancery, Amendt. 1869, 1873, 1875
Criminal Proceedings in Scotland, 1896
Law Charges, Amendt. 1852, 1867, 1868

WESTBURY, Lord
Treaty of Washington, 906, 995, 1095; Motion for an Address, 1157

WHALLEY, Mr. G. H., Peterborough
Ireland—Neill, Mrs., Murder of, at Rathgar, 1743, 1933
Parliament—Business of the House, Res. 1229
Tichborne v. Lushington—Prosecution, &c. 1272

WHARTON, Mr. J. L., Durham
Criminal Prosecutions—Treasury Revision of Costs, 1635
Parliamentary and Municipal Elections, Considered, Schedule 1, 666
Public Prosecutors, Comm. 1964
Registration of Borough Voters, Comm. 1251
Supply—Criminal Prosecutions, 1869
Law Charges, 1807

WHEELHOUSE, Mr. W. St. James, Leeds
Education—Ripon Grammar School, Motion for an Address, 444
Education (Scotland), Comm. 325; *cl.* 35, Amendt. 1357; *cl.* 68, 2010
Municipal Corporations (Election of Aldermen), Res. 403
Municipal Corporations (Wards), 779
Permissive Prohibitory Liquor, 2R. Amendt. 458
Public Prosecutors, Comm. 1967
Registration of Borough Voters, Comm. 1251
Supply—Law Charges, 1552, 1866
Metropolitan Police, 1882
Police Courts—London and Sheerness, 1881
Public Record Office, 1538
Wild Fowl Protection, 2R. 1653

WHITE, Hon. Colonel C. W., Tipperary Co.
Ireland—Clare, Lord Lieutenant of, Res. 435

WHITE, Mr. J., Brighton
Broadmoor Asylum—Criminal Lunatics, Maintenance of, 651
Customs and Inland Revenue, Comm. *cl.* 12, 1557

WHITWELL, Mr. J., Kendal
Army—Militia Camp, Appleby, 1850
Bastardy Laws Amendment, 2R. 1975
Court of Chancery (Funds), Comm. *cl.* 21, 696
Education—Certificated Teachers Pensions, Notice, 939, 948
Supply—Privy Council, 981
Works and Public Buildings, 1542

Wild Fowl Protection Bill

(*Mr. Andrew Johnston, Colonel Tomlins, Mr. Brown*)

c. Moved, "That the Bill be now read 2^o"
June 12, 1846

Amendt. to leave out from "That," and add "in the opinion of this House, it is desirable to provide for the protection of all Wild Birds during the breeding season" (*Mr. Auberon Herbert*) *v.*; Question proposed, "That the words, &c.," after short debate, Amendt. withdrawn; main Question put, and agreed to; Bill read 2^o

WILLIAMS, Mr. Watkin, Denbigh, &c.
All Saints Church, Cardiff, 2R. 826
India—Bombay, Old Bank of, Res. 242
Law Reform—Judicature Commission, 835
Parliamentary and Municipal Elections, 3R. 863

WINCHESTER, Bishop of
Baptismal Fees, 2R. 1663
Church Seats, Comm. *cl.* 2, 172

WINGFIELD, Sir C. J., Gravesend
Africa—Dutch Guinea, Acquisition of, 287
Army—India—Horse Artillery, 1417
British Guiana—Emigration, 1990
India—Coolies, Recruiting of, 600
Registration of Borough Voters, Comm. 1245

WINTERBOTHAM, Mr. H. S. P. (Under Secretary of State, Home Department), Stroud
Defamation of Private Character, 3R. 1256
Municipal Corporations (Wards), Considered, 779, 780
Public Prosecutors, Comm. 1964
Registration of Borough Voters, Comm. 1252
Supply—Local Government Board, 1537

Women, Employment of—Case of Mary Ann Smith
Question, Mr. Welby; Answer, Mr. Bruce
June 10, 1506

Women's Disabilities Removal Bill

(*Mr. Jacob Bright, Mr. Eastwick, Dr. Lyon Playfair*)

c. Moved, "That the Bill be now read 2^o"
May 1, 1

Amendt. to leave out "now," and add "upon this day six months" (*Mr. Bowyer*); after debate, Question put, "That 'now,' &c.;" A. 143, N. 222; M. 79; words added; main Question, as amended, put, and agreed to; Bill put off for six months
Division List, Ayes and Noes, 69

Working Men's Clubs—The Excise

Question, Sir Harcourt Johnstone; Answer, The Chancellor of the Exchequer
June 10, 1513

WOR WYN { INDEX } YAR YOU

211.

Workshop Regulation Act (1871)

Question, Mr. C. Dalrymple; Answer, Mr.
Bruce June 17, 1851

WYNDHAM, Hon. P. S., *Cumberland, W.*

Criminal Law—Murphy, Mr., Assault on the
late, 286

Criminal Law — Release of the Whitehaven
Rioters, Res. 949

Education (Scotland), Comm. cl. 19, 1315

Law Officers of the Crown, 263

Supply—Criminal Prosecutions, 1868

Treaty of Washington, 1043, 1276 ;—Statement,
1612, 1614

YARMOUTH, Earl of, *Antrim Co.*

Army—Grenadier Guards, Band of, 1031, 1510,
1511

YORK, Archbishop of

Church Seats, Comm. cl. 2, 171

Intoxicating Liquor (Licensing), Comm. cl. 4,
568, 570, 571

YOUNG, Mr. A. W., *Helston*

Juries, 2R. 702

END OF VOLUME CCXI., AND THIRD VOLUME OF
SESSION 1872.

LONDON: CORNELIUS BUCK, 23, PATERNOSTER ROW, E.C.

